IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

259-1 **FAO-1757-2017 (O&M)**
Date of Decision : 28.01.2025

Pavittar Singh ....Appellant

VERSUS

Shyam Lal and Others ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jaideep Verma, Advocate for the appellant.

Mr. Vijay Kumar, Advocate for respondent Nos.1 and 2.

Mr. S.S. Sidhu, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as the 'Tribunal') vide the impugned award dated 20.01.2016 on account of death of Amandeep Singh (hereinafter referred to as the 'deceased').

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹6,000/-
2	Deduction 1/3rd	[₹6,000 – 2,000] = ₹4,000/-

3	Compensation by applying multiplier of 11	Rs.8,16,000/-
4	Funeral expenses	Rs.25,000/-
	Total	**Rs.8,41,000/-**
	Interest	**6% per annum**

4. Learned counsel for the claimant-appellant would contend that the Tribunal has wrongly applied a multiplier of 11 inasmuch as the date of birth of the deceased was 16.09.1986 and as on the date of the accident he did not complete 26 years of age and hence a multiplier of 18 would be applicable. Further, the Tribunal has not made any addition towards loss of future prospects and an addition of 40% ought to have been made. Further, the amount awarded under the conventional heads is not in accordance with the law and that the Tribunal has not awarded any amount under the head 'loss of consortium'. In support of his contention, he has relied upon judgments of the Hon'ble Supreme Court in the cases of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680], Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130], N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra* learned counsel for respondent No.3-Insurance Company would contend that sufficient amount has already been awarded by the Tribunal and there is no scope of any further enhancement.

6. Heard.

7. In the present case, there is no challenge to the income and

deduction as applied by the Tribunal and hence the same are maintained. However, the Tribunal has not made any addition towards loss of future prospects and that the multiplier of 11 has also wrongly been applied. The deceased in the present case was 25 years of age and hence, in view of the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** (supra), an addition of 40% ought to have been made towards loss of future prospects and a multiplier of 18 would be applicable. Further, the amount awarded under the conventional heads is not in accordance with the law and no amount has been awarded under the head 'loss of consortium' and hence, as per the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), the claimant-appellant would be entitled to Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses and the claimant-appellant would also be entitled to Rs.48,000/- towards loss of filial consortium. Accordingly, the re-worked out compensation is as under :

Sr. No.	**Heads**	**Compensation Awarded**
1	Monthly income	Rs.6,000/-
2	Annual income	[Rs.6,000 x 12] = Rs.72,000/-
3	Deduction 1/3rd	[Rs.72,000 – 24,000] = Rs.48,000/-
4	Future prospects @ 40%	[Rs.48,000 + 19,200] = Rs.67,200/-
5	Multiplier of 18	[Rs.67,200 x 18] = Rs.12,09,600/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium (i) Filial	Rs.48,000/-
	Total	**Rs.12,93,600/-**

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6% per annum from the date of filing of the claim petition till the realization of the entire amount.

9. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
28.01.2025 **JUDGE**
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO