

2025:PHHC:009547



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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FAO-2058-2017 (O&M)

Date of Decision : 22.01.2025

ISLAMI AND ANR

.... Appellants

VERSUS

M/s SAWERA STONE INTERNATIONAL AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Digvijay, Advocate for
Mr. Ashish Gupta, Advocate
for the appellants.

Service of respondents No.1 and 2 dispensed with
vide order dated 19.09.2023.

Mr. Pradeep Kumar, Advocate for
Mr. Sanjeev Kodan, Advocate
for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'the Tribunal') vide award dated 14.12.2016.

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	₹8,100
2.	Annual income	[₹8,100 x 12] = ₹97,200
3.	Deduction ½	[₹97,200 - ₹48,600] = ₹48,600
4.	Multiplier of ‘18’	[₹48,600 x 18] = ₹8,74,800
5.	Funeral expenses	₹25,000
6.	Love and affection	₹50,000
	Total Compensation	₹9,49,800
	Interest	@7% per annum

4. Learned counsel for the claimant-appellants would contend that no addition has been made towards future prospects. It is further the contention that amount awarded under the conventional heads as well as under the head ‘loss of consortium’ is also not in accordance with the law laid down by the Hon’ble Supreme Court. In support of his contentions the learned counsel for the claimant-appellants has relied upon the 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]** and **N. Jayasree & Ors. vs. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, the learned counsel appearing on behalf of respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard.

7. In the present case no addition has been made towards future

prospects and hence as per the law laid down by the Hon’ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects. The amounts awarded under the conventional heads as well as under the head ‘loss of consortium’ are not in accordance with the law laid down by the Hon’ble Supreme Court. 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-appellants would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimant-appellants, being parents, would also be entitled to ₹48,000/- each (₹40,000 + 20% increase) towards loss of consortium. Since there is no challenge to income of ₹8,100, multiplier of ‘18’ and deduction of ½ made by the Tribunal, the same are maintained.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,100
2.	Annual income	[₹8,100 x 12] = ₹97,200
3.	Deduction ½	[₹97,200 - ₹48,600] = ₹48,600
4.	Future prospects @40%	[₹48,600 + ₹19,440] = ₹68,040
5.	Multiplier of ‘18’	[₹68,040 x 18] = ₹12,24,720
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium	₹96,000
	Total Compensation	₹13,56,720

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @7% per annum from the date of filing of the claim petition till the realization of the entire amount.

The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

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

22.01.2025

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*