IN THE HIGH COURT OF P UNJAB AND HARYANA AT CHANDIGARH

246 **FAO-4098-2017 (O&M)**
Date of Decision : 21.04.2025

Omwati and Others ....Appellants

VERSUS

Krishan Kumar and Others ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arpit Gaur, Advocate for
Mr. Aditya Yadav, Advocate for the appellants.

Mr. Raj Kumar, Advocate for respondent No.3.

<u>ALKA SARIN, J.</u> (Oral)

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as the 'Tribunal') vide award dated 16.12.2016 on account of death of Vikram (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	₹9,000/-
2	Annual income	[₹9,000 x 12] = ₹1,08,000/-
3	Multiplier – 5	[₹1,08,000 x 5] = ₹5,40,000/-

4	Funeral expenses	₹25,000/-
5	Loss of consortium	₹1,00,000/-
	Total compensation	**₹6,65,000/-**
	Interest	**7.5% per annum**

4. Learned counsel for the claimant-appellants would contend that though he does not challenge the income of the deceased as assessed by the Tribunal, however, multiplier has wrongly been applied by the Tribunal as '5' inasmuch as the deceased was 42 years of age and hence, a multiplier of '14' would be applicable in the present case. Learned counsel for the claimant-appellants would further contend that the Tribunal has also not made any addition towards loss of future prospects, which ought to have been 25%. It is further the contention that 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. In support of his contention, he has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121], 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra* learned counsel for respondent No.3-Insurance Company has argued that the Tribunal has not applied any deduction in the present case, which ought to have been 1/3rd. Learned counsel for respondent

No.3 would further contend that sufficient amount has already been awarded and there is no scope of any enhancement.

6. Heard.

7. In the present case, no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge to the income of the deceased as assessed by the Tribunal, the same is accordingly maintained. The Tribunal has neither applied any deduction nor has made any addition towards loss of future prospects. Since there are three dependents, as per the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** *(supra)* a deduction of 1/3rd would be applicable in the present case. Admittedly, the deceased was 42 years of age at the time of accident and hence, as per the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** *(supra)*, an addition of 25% ought to have been made towards loss of future prospects and a multiplier of '14' would also be applicable in view of the law laid down by Hon'ble Supreme Court in case of **Sarla Verma** *(supra)*. Further, the amounts awarded under the conventional heads and under the head 'loss of consortium' are not 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) and hence, the claimant-appellants 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-appellants would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded	
1	Monthly Income	₹9,000/-	
2	Annual Income	₹1,08,000/-	[₹9,000 x 12]
3	Deduction - 1/3rd	₹72,000/-	[₹1,08,000 – 36,000]
4	Future Prospects - 25%	₹90,000/-	[₹72,000 + 18,000]
5	Multiplier - 14	₹12,60,000/-	[₹90,000 x 14]
6	Loss of estate	₹18,000/-	
7	Funeral expenses	₹18,000/-	
8	**Loss of consortium** (i) Parental (ii) Filial (iii) Spousal	₹48,000/- ₹48,000/- ₹48,000/- (Total ₹1,44,000/-)	
	Total Compensation	**₹14,40,000/-**	

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

10. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : Civil Appeal No.4299 of 2025 arising out of SLP (C) No.4484 of 2020 decided on 18.03.2025]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the percentage directed by the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance

Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

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

(ALKA SARIN)
JUDGE

21.04.2025
jk

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