

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****248****FAO-6895-2018 (O&M)****Date of Decision : 07.01.2025**

Natho Devi and Others

....Appellants

VERSUS

Joginder and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Siwach, Advocate for
Mr. Vikram Singh Punia, Advocate for the appellants.

Mr. Abhinav Singla, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)**CM-24378-CII-2018**

1. This is an application for condonation of delay of 128 days in filing the appeal.
2. For the reasons stated in the application, delay of 128 days in filing the appeal is condoned. CM stands disposed off. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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3. Present appeal has been preferred by the claimants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as the 'Tribunal') vide award dated 17.01.2018 on account of death of Vijay Pal (hereinafter referred to as the 'deceased').

4. 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.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.8,000/-
2	Future prospects @ 10%	[Rs.8,000 + 800] = Rs.8,800/-
3	Deduction – 1/3 rd	[Rs.8,800 – 2933] = Rs.5,867/-
4	Annual income	[Rs.5,867 x 12] = Rs.70,404/-
5	Multiplier of 11	[Rs.70,404 x 11] = Rs.7,74,444/-
6	Funeral expenses	Rs.15,000/-
7	Loss of estate	Rs.15,000/-
8	Loss of consortium	Rs.40,000/-
	Total Compensation	Rs.8,44,444/-
	Interest	7% per annum

6. Learned counsel for the claimant-appellants has not laid any challenge to the income of the deceased, multiplier, deduction and addition towards loss of future prospects. He, however, states that the compensation awarded by the Tribunal under the conventional heads as well as under the head of ‘loss of consortium’ is not as per the law laid down by the Hon’ble Supreme Court in cases **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]**.

7. *Per contra*, the learned counsel for 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.
8. Heard.
9. In the present case there is no challenge qua the income of the deceased, deduction, multiplier and the addition towards loss of future prospects as applied by the Tribunal. The Tribunal while awarding the amount of compensation has awarded Rs.15,000/- each under the conventional heads i.e. loss of estate and funeral expenses and has also awarded only an amount of Rs.40,000/- under the head ‘loss of consortium’, which need to be re-worked in view of 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) each under the head of loss of estate and funeral expenses. The appellants would also be entitled to Rs.48,000/- (Rs.40,000+20% increase) each towards loss of consortium.
10. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.8,000/-
2	Annual Income	[Rs.8,000 x 12] = Rs.96,000/-
3	Deduction - 1/3 rd	[Rs.96,000 – 32,000] = Rs.64,000/-
4	Future Prospects - 10%	[Rs.64,000 + 6,400] = Rs.70,400/-
5	Multiplier – 11	[Rs.70,400 x 11] = Rs.7,74,400/-

6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	<u>Loss of consortium</u> (i) Spousal (ii) Parental	Rs.48,000/- Rs.96,000/- [Rs.48,000 x 3] Rs.1,92,000/-
	Total	Rs.10,02,400/-

11. 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 enhanced amount of compensation shall be apportioned amongst the claimant-appellants as directed by the Tribunal. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

12. 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.

(ALKA SARIN)
JUDGE

07.01.2025
jk

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