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

FAO-3179-2001 (O&M)

Date of Decision : 01.04.2025

Ram Dulari (deceased) through LR & Anr ... Appellant(s)

Versus

Harpal Singh & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vikas Mohan Gupta, Advocate for the appellants.

Mr. Madan Lal Saini, Advocate for respondent No.1.

Mr. Suvir Dewan, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-11917-CII-2024

1. This is an application for impleading the legal representatives of the appellants who are stated to have died.

2. For the reasons stated in the application, the same is allowed subject to all just exceptions. Legal representatives of the appellants mentioned in para No.3 of the application are impleaded as parties. Vakalatnama signed by the legal representatives of the appellants is already appended with the present application. Amended memo of parties is taken on record.

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3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'Tribunal') vide the impugned award dated 01.12.2000 in a motor vehicle accident which occurred on 04.02.1999.

4. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹3,200/-
2	Deduction	[₹3,200 – 1,200] = ₹2,000/-
3	Annual income	[₹2,000 x 12] = ₹24,000/-
4	Multiplier of 10	[₹24,000 x 10] = ₹2,40,000/-
5	Funeral expenses	₹10,000/-
6	Total Compensation	₹2,50,000/-
	Interest	12% per annum

6. Learned counsel for the claimant-appellants would contend that the deceased in the present case i.e. Vinod Kumar was serving in CRPF and was getting a consolidated amount of ₹4,866/- per month towards salary, however, his income has been taken as ₹3,200/- being his basic pay and after deduction the same has been assessed as ₹2,000/- per month. The learned counsel would further contend that the income of the deceased was ₹4,866/- per month and after deducting ₹30/- per month towards uniform expenses, the entire amount would have to be treated as his income. It is further the contention of the learned counsel that since the deceased was unmarried, a deduction of 50% would have to be applied. The learned counsel would further contend that the deceased was a Government employee and hence an addition of 50% would have to be made towards future prospects. The learned counsel would further contend that even the multiplier has wrongly been applied by the Tribunal as 10 instead of 17 inasmuch as the deceased

was 26 years of age at the time of the accident. It is further the contention of the learned counsel that no amount has been awarded under the head 'loss of consortium' and further that the amount awarded under the conventional heads is also on the lower side. In support of his contentions, 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]**.

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 further scope of any enhancement.

8. I have heard the learned counsel for the parties.

9. In the present case, the claim petition was filed by the parents of the deceased – Vinod Kumar. During the pendency of the present appeal, both the appellants - Ram Dulari and Kidar Nath - expired and their legal representatives have been brought on record vide **CM-11917-CII-2024**. Today the learned counsel for the appellants has filed an affidavit of Veena Devi wife of Om Parkash, one of the legal representatives of the appellants, to state that she would have no objection if the entire compensation is released in favour of Smt. Suman Lata, Himani Kaushal and Shivam [appellant Nos.2(i) to 2(iii)] who have also been impleaded as legal

representatives of the appellants. The said affidavit is taken on record and the same be scanned and tagged by the Registry at the appropriate place.

10. In the present case the Tribunal has taken the income of the deceased as ₹3,200/- per month. As per Ex.P2, though the basic pay of the deceased was ₹3,200/- per month, however, he was also getting an amount of ₹612/- per month towards ration and ₹1,024/- per month towards Dearness Allowance and ₹30/- towards uniform maintenance. His total salary was ₹4,866/- per month. The salary cannot be merely the basic pay. Hence, after deducting the expenses for the uniform, the income of the deceased is assessed as ₹4,836/- per month. It is not disputed by both the counsel that no income tax was payable on the said amount. Since the deceased was a Bachelor, hence, a deduction of 50% would have to be applied. No amount has been awarded towards future prospects. Since the deceased was 26 years of age and was a Government employee, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 50% addition is made towards future prospects. The multiplier of 10 as applied by the Tribunal is also not in consonance with the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra). Keeping in view the fact that the deceased was 26 years of age at the time of the accident, a multiplier of 17 would be applicable. Further, the amount awarded under the conventional heads is on the lower side 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-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. However, since both the original claimant-appellants (Ram Dulari and Kidar Nath) have died and hence no amount would be payable under the head 'loss of consortium'. The interest component awarded by the Tribunal is maintained.

Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹4,836/-
2	Annual Income	₹58,032/- [₹4,836 x 12]
3	Deduction 50%	₹29,016/- [₹58,032 – 29,016]
4	Future Prospects - 50%	₹43,524/- [₹29,016 + 14,508]
5	Multiplier - 17	₹7,39,908/- [₹43,524 x 17]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
	Total Compensation	₹7,75,908/-

11. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 12% per annum from the date of filing of the claim petition till the realization of the entire amount. Keeping in view the affidavit filed by Veena Devi wife of Om Parkash, one of the legal representatives of the appellants, the entire amount of compensation be released equally in favour of Smt. Suman Lata, Himani Kaushal and Shivam [appellant Nos.2(i) to 2(iii)].

12. 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 [appellant Nos.2(i) to 2(iii)] within six weeks from today. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by them 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.

13. 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.

01.04.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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