



claimant to be 39 years, accordingly, awarded compensation of Rs.9,00,000/- (Rs.60,000/- x 15 = Rs.9,00,000/-), for loss of dependency. Further an amount of Rs.1,00,000/- was awarded for loss of consortium, Rs.25,000/- towards funeral expenses, Rs.25,000/- towards love and affection and another Rs.25,000/- towards loss of estate.

4. It is specific case of appellant that learned Tribunal has failed to add 40% towards future prospects as laid down by the Apex Court in ***National Insurance Company Ltd. Versus Pranay Sethi & Ors., SLP (Civil No.25590 of 2014)*** decided on October 30, 2017.

5. On consideration, I find merit in the contentions raised on behalf of claimants-appellants, the compensation needs to be calculated in the light of directions of Hon'ble Supreme Court in ***Sarla Verma versus Delhi Transport Corporation 2009 Vol.III RCR (Civil) 77***, and in ***National Insurance Company Ltd. Versus Pranay Sethi & Ors., SLP (Civil No.25590 of 2014)*** decided on October 30, 2017.

6. Learned Tribunal has rightly taken minimum wages payable to unskilled labour as income of deceased as no evidence is available which can prove the pleaded income and vocation. Accordingly, monthly income of deceased is taken as Rs.7,500/- per month. There are three dependents who have sought compensation, accordingly, 1/3rd amount needs to be deducted towards personal expenses. Age of deceased has been found to be 39 years by learned Tribunal. Nothing could be shown which can raise doubt over conclusion drawn by learned Tribunal. Accordingly, appellants shall be entitled to multiplier of 15.

7. Further as per ***Pranay Sethi's*** case, funeral expenses are to be



awarded to the extent of Rs.15,000/-, loss of estate has to be awarded to the extent of Rs.15,000/- and consortium has to be awarded at the rate of Rs.40,000/-. Since claimants are entitled to spousal and parental consortium, the compensation under loss of love and affection shall merge under the head consortium. Accordingly, appellants shall be entitled to the following compensation :-

Income of deceased	Rs.7,500/- per month (minimum wages for unskilled labourer)	Rs.7,500/-
Addition towards future prospects	40%	Rs.10,500/- (3,000+7,500)
Deduction on account of personal expenses of deceased	1/3	Rs.7,000/- (10,500 – 3,500)
Selection of multiplier	15	15
Loss of dependency	Rs.7,000/- (income of deceased) x 12 months x 15 multiplier	Rs.12,60,000/-
Funeral expenses	Rs.15,000/-	Rs.15,000/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
Loss of spousal consortium	Rs.40,000/-	Rs.40,000/-
Loss of parental consortium	Rs.40,000/- each to claimants No.2 and 3.	Rs.80,000/-
Total compensation awarded to claimant in appeal		Rs.14,10,000/-
Total compensation awarded by the Tribunal		Rs.10,75,000/-
Enhanced amount of compensation	Rs.14,35,000/- (awarded in appeal) – Rs.10,75,000/- (awarded by Tribunal)	Rs.3,35,000/-

8. In view of the above discussion, appeal stands disposed of. The claimants are entitled to enhanced compensation of Rs.3,35,000/- along with interest @ 7.5% per annum over and above the amount awarded by learned Tribunal. Enhanced compensation be paid as per award to the claimants in

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accordance with apportionment stated in the award. Amount be paid directly through bank account as per award. Pending miscellaneous application(s), if any, shall also stand disposed of.

27.08.2025

chiranjeev

**(PARMOD GOYAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No