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

FAO-1765-2018 (O&M)

Date of Decision : 20.01.2025

Saroj & Ors

... Appellant(s)

Versus

Sonu Kumar & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashwani Bakshi, Advocate for the appellants.

Ms. Kamaldeep Kaur, Advocate for

Mr. Ajay Singla, 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, Rohtak vide the impugned award dated 22.11.2017.

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	₹8,280/-
2	Annual income	[₹8,280 x 12] = ₹99,360/-
3	Future prospects 25%	[₹99,360 + 24,840] = ₹1,24,200/-
4	Deduction 1/4 th	[₹1,24,200 – 31,050] = ₹93,150/-

5	Multiplier of 13	[₹93,150 x 13] = ₹12,10,950/-
6	Loss of consortium	₹40,000/-
7	Funeral expenses	₹15,000/-
8	Loss of estate	₹15,000/-
9	Total Compensation	₹12,80,950/- (₹12,81,000/- rounded off)
10	Interest	7.5% per annum

4. Learned counsel for the claimant-appellants has not laid any challenge to the future prospects, deduction and multiplier as assessed by the Tribunal. However, he has contended that the income of the deceased has wrongly been assessed as ₹8,280/- per month as per minimum wages of an unskilled labour as it has been proved on the record by way of the jamabandi (Ex.P32) that the deceased owned 8 acres of land and that he was cultivating 27 acres of land. It is further the contention of the learned counsel that the amounts spent on medical expenses vide medical bills (Ex.P15 to Ex.P20) which were tendered by the claimant-appellants, had not been awarded by the Tribunal. It is further the contention of the learned counsel that the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are also not in accordance with the law laid down by the Hon'ble Supreme Court. In support of his contentions, he 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that the income of the deceased has rightly been assessed and that no one stepped into the witness box to prove the medical expenses and that the medical bills were merely tendered in evidence. It is further the contention of the learned counsel that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

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

7. In the present case, since no challenge has been laid to the future prospects @ 25%, deduction of 1/4th and multiplier of 13 as applied by the Tribunal, hence, the same are maintained.

8. The argument of the learned counsel for the claimant-appellants that the income has wrongly been assessed by the Tribunal deserves to be rejected inasmuch as though it has duly been proved on the record that the deceased was owning 8 acres of land and was cultivating 27 acres of land, however, there is nothing on record to prove the actual monthly income of the deceased. In the absence of any proof of income, no fault can be found with the finding of the Tribunal assessing his income as ₹8,280/- per month and the same is, accordingly, maintained. The argument of the learned counsel for the claimant-appellants that no amount has been awarded towards medical bills also deserves to be rejected in view of the fact that though the documents (Ex.P15 to Ex.P20) were tendered in evidence, however, no body stepped into the witness box from the hospital to prove the said documents/medical bills. The argument of the learned counsel for the claimant-appellants that the amounts awarded under the conventional

heads as well as under the head 'loss of consortium' are not as per the law laid down by the Hon'ble Supreme Court deserves to be accepted 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). Accordingly, 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 and the claimant-appellants (widow, three children and mother of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹8,280/-
2	Annual Income	₹99,360/- [₹8,280 x 12]
3	Deduction 1/4 th	₹74,520/- [₹99,360 – 24,840]
4	Future Prospects - 25%	₹93,150/- [₹74,520 + 18,630]
5	Multiplier - 13	₹12,10,950- [₹93,150 x 13]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Filial (iii) Spousal's	₹1,44,000/- ₹48,000/- ₹48,000/- (Total ₹2,40,000/-)
	Total Compensation	₹14,86,950/-

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. The amount shall be apportioned between the claimants as directed by the Tribunal.

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

20.01.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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