



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

**FAO-7695-2015 (O&M)
Date of Decision: January 21, 2025**

Asha Rani and others

...Appellants

VERSUS

Jasbir Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.K.S.Dhanora, Advocate
for the appellants.

Ms.Simran, Advocate for
Mr.Pardeep Goyal, Advocates
for respondent No.3-insurance company.

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation granted by learned Motor Accident Claims Tribunal, on account of death of Manoj Kumar, in a motor vehicular accident.

On appraisal of the evidence, brought on record, learned Tribunal had concluded about the accident to have taken place on 28.02.2014, on account of rash and negligent driving of tractor-trailer bearing registration No.HR-32G-4226, driven by respondent No.1-Jasbir Singh and the same resulted into death of Manoj Kumar. Also, it was concluded that deceased was 27 years old and he was considered to be



FAO-7695-2015

-2-

casual labourer and the extent of his earnings was taken as Rs.7150/- per month. No addition, on the count of 'future prospects' was made by learned Tribunal. However, considering the number of dependents of the deceased to be four, the deduction to the extent of 1/4th was made and the monthly loss of dependency was taken as Rs.5360/- (Rs.7150-1790). Considering the age of the deceased, multiplier of '17' was applied and the amount was worked upon as Rs.10,93,440/- (Rs.5360x12x17). Besides the same, Rs.20,000/- was granted towards last rites and transportation. Further, another sum of Rs.75,000/- was granted to widow of the deceased towards consortium. Thus, the total compensation granted was Rs.11,88,440/-.

Feeling aggrieved, the appellants-claimants, have filed the present appeal for seeking enhancement of the compensation.

The respondents, upon whom the liability was fastened to pay the compensation, have not filed any appeal and do not dispute about the fact of the accident and manner of taking place of the same.

However, as per settled prevalent law, the 'work on' of the compensation, do call for re-determination.

Learned Tribunal has appropriately taken the income of the deceased to be Rs.7150/-. As per *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, considering the number of dependents, deduction to the extent of 1/4th, on the count of 'personal expenses', ought to be made, as done by learned Tribunal and as such, the loss of dependency comes to Rs.7150-1787=Rs.5363/-. However, no addition was made, on the count of future prospects. Considering the age of the deceased to be 27 years, as per *National Insurance Company Limited*



vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009, addition of 40% ought to be made, on the count of 'future prospects' and thus, the income of the deceased is worked upon as $Rs.5363+2145=Rs.7508/-$, annual whereof, comes to be **Rs.90,096/-**.

Considering the age of the deceased, as per *Sarla Verma's case (supra)*, the appropriate and suitable multiplier, to be applied is '17', as applied by learned Tribunal and thus, by applying the same, the loss of dependency, works out to be $Rs.90096 \times 17 = Rs.15,31,632/-$.

Besides the aforesaid, as per '*Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*', each of the appellants-claimants are entitled to 'parental', 'spousal' or 'filial' consortium, as required. Considering the same, as per *Pranay Sethi's case (supra)*, an amount of Rs.40,000/- is required to be granted to the dependents, which also called for further enhancement to the extent of 10%, after period of every three years of passing of the judgment and taking it to be so, the compensation, on the count of 'loss of consortium', at present, works out to be Rs.48,400/- to each of the claimants i.e. $Rs.48400 \times 4 = Rs.1,93,600/-$ and likewise, on the counts of 'loss of estate' and 'funeral expenses', the compensation payable, comes to be **Rs.18,150/-**, on each count.

Considering the same, the compensation payable to appellants-claimants, on account of death of Manoj Kumar, is re-computed, as herein given:-

Loss of dependency	:	Rs.15,31,632/-
Loss of consortium	:	Rs.1,93,600/-
Loss of estate	:	Rs.18,150/-



FAO-7695-2015

-4-

Funeral expenses	:	Rs.18,150/-
Total	:	Rs.17,61,532/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.17,61,532-11,88,440=Rs.5,73,092/-**. On the enhanced amount of the compensation i.e. **Rs.5,73,092/-**, the appellants-claimants shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

Accordingly, the impugned Award dated 24.03.2015 stands modified, to the extent, as indicated aforesaid. The residue terms of the Award, as ordered by learned Tribunal, shall remain the same. However, the compensation, if any, disbursed to the appellants-claimants, at any earlier stage, shall be adjusted accordingly.

With the above observations, the present appeal stands allowed.

January 21, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No