



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-1756-2017 (O&M)

Date of Decision : 28.01.2025

Pavittar Singh

....Appellant

VERSUS

Shyam Lal and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jaideep Verma, Advocate for the appellant.

Mr. Vijay Kumar, Advocate for respondent Nos.1 and 2.

Mr. S.S. Sidhu, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as the 'Tribunal') vide the impugned award dated 20.01.2016 on account of death of Kulwant Kaur (hereinafter referred to as the 'deceased').

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	₹3,000/-
2	Deduction 1/3 rd	[₹3,000 – 1,000] = ₹2,000/-

3	Compensation by applying multiplier of 11	Rs.2,64,000/-
4	Loss of consortium	Rs.1,00,000/-
5	Funeral expenses	Rs.25,000/-
	Total	Rs.3,89,000/-
	Interest	6% per annum

4. Learned counsel for the claimant-appellant would contend that the income of the deceased has wrongly been assessed as Rs.3000/- per month as the minimum wages of an unskilled worker prevailing at the time of the accident were Rs.4,268/- per month. Further, the Tribunal has not made any addition towards loss of future prospects. The deceased in the present case was 55 years of age and hence an addition of 10% ought to have been made towards loss of future prospects. Further, the amount awarded under the conventional heads is not in accordance with the law. In support of his contention, he has relied upon 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]**, **N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra* learned counsel for respondent No.3-Insurance Company would contend that sufficient amount has already been awarded by the Tribunal and there is no scope for any further enhancement.

6. Heard.

7. In the present case, there is no challenge to the deduction as well as to the grant of compensation towards loss of consortium as applied

by the Tribunal and hence, the same are maintained. The Tribunal has assessed the income of the deceased as Rs.3,000/- per month, which ought to have been according to the minimum wages of an unskilled worker prevailing at the time of the accident, which were Rs.4,268/- per month and hence the income of the deceased is assessed as Rs.4,268/- per month. The Tribunal has not made any addition towards loss of future prospects. The deceased was 55 years of age at the time of accident and hence, in view of the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** (supra), an addition of 10% ought to have been made towards loss of future prospects. Further, the amount awarded under the conventional heads is also not in accordance with the law 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-appellant would be entitled to Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses. The amount of Rs.1,00,000/- awarded by the Tribunal towards loss of consortium is maintained. Accordingly, the re-worked out compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.4,268/-
2	Annual income	[Rs.4,268 x 12] = Rs.51,216/-
3	Deduction 1/3 rd	[Rs.51,216 – 17,072] = Rs.34,144/-
4	Future prospects @ 10%	[Rs. 34,144 + 3,414] = Rs.37,558/-
5	Multiplier of 11	[Rs.37,558 x 11] = Rs.4,13,138/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-

8	Loss of consortium	Rs.1,00,000/-
	Total	Rs.5,49,138/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6% per annum from the date of filing of the claim petition till the realization of the entire amount.

9. 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.

28.01.2025
jk

(ALKA SARIN)
JUDGE

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