



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

262

FAO-171-2019 (O&M)

Date of Decision : 08.01.2025

PINKI AND ORS

.... Appellants

VERSUS

RAVINDER KUMAR AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arun Kumar Singal, Advocate
for the appellants.

Mr. Sanjeev Kodan, Advocate
for respondent No.3.

Service of respondents No.1, 2 and 4 dispensed with
vide order dated 29.10.2019.

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, Panipat (hereinafter referred to as 'the Tribunal') vide impugned award dated 01.02.2018.

2. Since the facts, as recorded by the Tribunal in the impugned award, 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 | ₹5,800 |
| 2 | Future prospects @40% | [₹5,800 + ₹2,320] = ₹8,120 |
| 3 | Deduction @1/3 rd | [₹8,120 - ₹2,700] = ₹5,420 |
| 4 | Annual income | [₹5,420 x 12] = ₹65,040 |
| 5 | Multiplier of '16' | [₹65,040 x 16] = ₹10,40,640 |
| 6 | Funeral expenses | ₹15,000 |
| 7 | Loss of estate | ₹15,000 |
| 8 | Loss of consortium | ₹40,000 |
| | Total Compensation | ₹11,10,640 |
| | Interest | @7.5% per annum |

4. Learned counsel for the claimant-appellants would contend that the Tribunal has wrongly assessed the income of the deceased as ₹5,800 per month inasmuch as the minimum wages of an unskilled worker at the time of the accident were ₹7,976 per month. Learned counsel would further contend that the amount awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with the law laid down by 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*, 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 scope of any enhancement.

6. Heard.

7. In the present case, the accident took place on 24.02.2016. The Tribunal has erred in assessing the income of the deceased as ₹5,800 per month inasmuch as the minimum wages of an unskilled worker prevailing at the time of the accident were ₹7,976 per month. Accordingly, the income of the deceased is assessed as ₹7,976 per month. Further, the amount awarded by the Tribunal under the conventional heads and under the head 'loss of consortium' is not 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). As per the law laid down by the Hon'ble Supreme Court in the cases (supra), the claimant-appellants would be entitled to ₹18,000 towards loss of estate and ₹18,000 towards funeral expenses and the claimant-appellants, being widow and children of the deceased, would also be entitled to ₹48,000 each towards loss of consortium. Respondent No.4 herein, who is the brother of the deceased, was impleaded as claimant No.4 in the claim petition before the Tribunal and he being a major is only entitled to an amount of ₹48,000 on account of loss of consortium. Further, since there is no challenge to the multiplier, deduction and addition made towards future prospects, the same are maintained. Accordingly, the findings of the Tribunal under issue No.2 stand modified.

8. The reworked compensation is as under :

| Sr. No. | Heads | Compensation Awarded |
|---------|--|--|
| 1. | Monthly income | ₹7,976 |
| 2. | Annual income | [₹7,976 x 12] = ₹95,712 |
| 3. | Deduction 1/3 rd | [₹95,712 – ₹31,904] = ₹63,808 |
| 4. | Future prospects @40% | [₹63,808 + ₹25,523] = ₹89,331 |
| 5. | Multiplier '16' | [₹89,331 x 16] = ₹14,29,296 |
| 6. | Loss of estate | ₹18,000 |
| 7. | Funeral expenses | ₹18,000 |
| 8. | Loss of Consortium : (i) Parental (ii) Filial (iii) Spousal's | ₹96,000 [₹48,000 x 2] ₹48,000 ₹48,000 [Total ₹1,92,000] |
| | Total Compensation | ₹16,57,296 |

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 claimant-appellants as directed by the Tribunal.

10. In view of the above discussion, the impugned award is modified in the above terms and the present appeal is disposed off. Pending applications, if any, also stand disposed off.

08.01.2025
Aman Jain

(ALKA SARIN)
JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*