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

**FAO No.5805 of 2012 (O&M)
Date of Decision: September 21, 2016.**

Hem Lata and others

..........APPELLANT(s).

VERSUS

Suresh Kumar and another

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhishek Yadav, Advocate
for the appellant (s).

Mr. M.B. Jain, Advocate
for respondent No.2.

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SURINDER GUPTA, J.

This is appeal by claimants-appellants seeking enhancement of compensation awarded vide award dated 22.12.2011 passed by Motor Accident Claims Tribunal, Rewari (later referred to as 'the Tribunal') for death of Jaswant Singh (later referred to as 'the deceased'), husband of claimant-appellant no. 1 and father of claimants-appellants no. 2 and 4 and son of claimants-appellants No.4 and 5, in a motor vehicle accident, which took place on 06.10.2010 due to rash and negligent driving of Mahindra Bolero vehicle bearing registration No. HR-47B-0341 (later referred to as 'the offending vehicle').

As the only issue involved in this appeal relates to seeking of enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

The Tribunal awarded compensation of ₹6,19,800/- to the claimants, which was computed as follows:-

(i)	Income of the deceased	: ₹4,200/- p.m. : 4200X12=50,400 p.a.
(ii)	Age of the deceased	: 27 years
(iii)	Deduction towards personal expenses	: 1/4th (50400-12600 : ₹37,800/-
(iv)	Multiplier applied is of 16	: 37800X16=₹604800/-
(v)	Expenditure on financial loss of consortium	: ₹5,000/-
	Total	: ₹6,09,800/-.

(There is mistake in calculation as the figure works out to ₹6,09,800/- instead of ₹6,19,800/-.)

Learned counsel for the appellants has argued that the deceased was 27 years of age and the multiplier applicable as per the observations in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121,*** is 17 and the Tribunal has wrongly applied the multiplier of 16. As per observations in case of ***Rajesh and others Vs. Rajbir and others (2013)9 SCC 54,*** claimants are entitled to 50% increase in the income of the deceased towards future prospects. The claimants are also entitled for compensation towards loss of consortium for the wife, loss of love and affection, care and guidance for minor children and loss of estate, love and affection for parents of the deceased and for funeral expenses, while the Tribunal has allowed a composite amount of ₹5,000/- for expenditure on financial loss of consortium.

Learned counsel for respondent No.2 while not disputing the applicability of multiplier of 17 as per observations in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr.*** (supra), has argued that the matter regarding grant of addition in the income of the deceased towards future prospects is pending consideration with Larger Bench of Hon'ble Apex Court in a reference made in case of ***National Insurance Company Limited Vs. Pushpa and others*** **Appeal (C) No.8058 of 2014 decided on 02.07.2014(MANU/SC/1246/2014).** Till the verdict is given by Hon'ble Apex Court, the compensation towards future prospects cannot be allowed.

The claimants are entitled to compensation by applying multiplier of 17. They are also entitled to compensation towards loss of consortium for wife, loss of love and affection, care and guidance for minor children and for loss of estate, love and affection for parents of the deceased, as such, they are entitled to compensation of ₹1 lac on each head. They are also entitled to a compensation of ₹25,000/- towards funeral expenses.

The question for grant of future prospects was discussed in detail by this Court in ***FAO No. 2032 of 2014 (Kiran @ Sunita and others vs. Naresh Kumar and others) decided on 06.04.2016*** and it was observed that claimants are entitled to grant of future prospects as per observations of Apex Court in ***Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54,*** which was followed in case of ***Munna Lal Jain and others vs. Vipin Kumar Sharma and others, 2015 (3) RCR (Civil) 447***. We all are living in the age of inflationary trends where cost of living is increasing day by day. Even otherwise, every person whether he is a daily wager or in any avocation, profession or business, tries to rise high in life. The prices of goods of daily need have also arisen manifold. The prices of food-grains, milk and grocery items have seen manifold increase during this period and this is one of the factor that prevails in the mind of this Court while allowing addition in income of the deceased towards future prospects.

In view of my above discussion, the amount of compensation to which the claimants are entitled to as computed as follows:-

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased	₹4200 per month
(ii)	50% of (i) above to be added as future prospects	(₹4200+ ₹2400)= (₹6600 per month)
(iii)	1/4th of (ii) deducted as personal expenses of the deceased	(₹6600-₹1650)= ₹4950 per month
(iv)	Compensation after multiplier of 17 is applied	(₹4950X12X17)= ₹1009800
(v)	Loss of consortium	₹100000
(vi)	Loss of care and guidance for minor children	₹100000
(vii)	Loss of estate	₹100000
(viii)	Funeral and transportation expenses	₹25000
Total		₹1334800

The appeal has merits and is accepted. The award of the Tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹6,19,800/- to ₹13,34,800/- for the death of Jaswant Singh. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the petition till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants as follows:-

(i) Appellant No.1-wife : 40%

(ii) Appellants No.2 & 3-minor children : 20% each

(iii) Appellants No.4 & 5-parents : 10% each.

Respondent No.3-insurance company will deposit the share of appellants-claimants No.1, 4 and 5 in their bank accounts or pay the same through demand drafts. The shares of minors Divya and Vansh, appellants No.2 and 3 respectively, who as per their age given at the time of filing of the petition are still minor, will be deposited in some nationalised bank as fixed deposits till the period they attain majority. It is, however, made clear that the bank may take the documents regarding the age of the minors as required at the time of deposit of the amount and the minors shall not be asked to bring the fresh order from the Tribunal to get the payment of the amount deposited in their names after the date of attaining majority. The above direction has been issued to save the claimants from unnecessary harassment caused due to directions the bank usually give to bring the order of the Tribunal to get the payment even after attaining the age of majority. In case of demise of any of above claimant(s), his/her share of compensation shall be apportioned equally amongst other surviving claimants. The claimants shall also be entitled to costs of this appeal. The counsel fee is assessed ₹20,000/-.

(SURINDER GUPTA)
JUDGE

September 21, 2016.
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***