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

FAO No.4851 of 2014 (O&M)
Date of Decision: October 22, 2016.

Harpal Kaur @ Jaspal Kaur and others
..........APPELLANT(s).

VERSUS

Sohan Lal and others
........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ishan Cooner, Advocate
for the appellant (s).

Mr. Maninder Singh, Advocate
for respondents No.1 and 2.

Mr. Neeraj Khanna, Advocate
for respondent No.3-insurance company.

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SURINDER GUPTA, J.

This is appeal by claimants-appellants seeking enhancement of compensation awarded vide award dated 01.02.2014 passed by Motor Accident Claims Tribunal, Panchkula (later referred to as ‘the Tribunal’) for death of Ranjeet Singh (later referred to as 'the deceased'), husband of claimant-appellant no. 1 and father of claimants-appellants no. 2 & 3 and son of appellants No.5 & 6, in a motor vehicle accident, which took place on 28.12.2012 with Truck bearing registration No. HP-12-C-3820 (later referred to as ‘the offending vehicle’).

2. The Tribunal has allowed compensation of ₹12,48,200/- to the claimants, which was computed as follows:-

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased	₹8000 per month
(ii)	30% of (i) above added as future prospects	(₹8000+ ₹2400)= (₹10400 per month)
(iii)	1/4th of (ii) deducted as personal expenses of the deceased	(₹10400-₹2600)= ₹7800 per month
(iv)	Compensation after multiplier of 12 is applied	(₹7800X12X12)= ₹1123200
(v)	Loss of consortium	₹100000
(vi)	Last rites and funeral expenses	₹25000
Total		₹1248200

3. 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.

4. Learned counsel for the appellants-claimants has argued that the deceased was admittedly of 48 years of age as per the norms settled by Hon'ble Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121,*** the multiplier while computing the amount of compensation attracted to the case is 13 but the Tribunal has applied the multiplier of 12. The Tribunal did not allowed any compensation towards loss of love and affection, care and guidance for the minor children of the deceased. The parents of the deceased were also not allowed any compensation towards loss of estate, love and affection. He seeks enhancement of compensation on above counts only.

5. As per the observations in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra)***, the multiplier as per the age of the deceased is 13. The claimants are also entitled to compensation towards loss of consortium to minor children of the deceased and to parents of the deceased towards loss of estate, love and affection, which is

computed as ₹1 lac under each head. Learned counsel for respondent No.3 has though opposed enhancement of compensation as sought by learned counsel for appellants, but could not dispute the settled legal proposition under which claimants are entitled to seek enhancement of compensation on above counts.

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

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased	₹8000 per month
(ii)	30% of (i) above added as future prospects	(₹8000+ ₹2400)= (₹10400 per month)
(iii)	1/4th of (ii) deducted as personal expenses of the deceased	(₹10400-₹2600)= ₹7800 per month
(iv)	Compensation after multiplier of 13 is applied	(₹7800X12X13)= ₹1216800
(v)	Loss of consortium	₹100000
(vi)	Loss of love and affection, care and guidance for minor children of the deceased	₹100000
(vii)	Loss of estate, love and affection for parents of the deceased	₹100000
(viii)	Last rites and funeral expenses	₹25000
Total		₹1541800

7. The appeal has merits and is accepted. The award of the Tribunal is modified and the compensation allowed to the appellants-claimants in this case is enhanced from ₹12,48,200/- to ₹15,41,800/-. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the petition till actual realization. The amount of enhanced compensation shall be apportioned between the claimants as follows:-

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

(ii)	Appellants No.2 and 3	: 20% each
(iii)	Appellants No.4 and 5	: 10% each

8. Respondent No.3-insurance company will deposit the share of appellants No.1, 2, 4 and 5 in their bank accounts or pay the same through demand drafts. The share of minor-appellant No.3, who as per her age given at the time of filing of the petition is still minor, will be deposited in some nationalised bank as fixed deposit till the period she attains majority. It is, however, made clear that the bank may take the documents regarding the age of the minor as required at the time of deposit of the amount and the minor shall not be asked to bring the fresh order from the Tribunal to get the payment of the amount deposited in her name 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. The claimants shall also be entitled to costs of this appeal. The counsel fee is assessed ₹20,000/-.

(SURINDER GUPTA)
JUDGE

October 22, 2016.
Sachin M.

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

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