IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 5919 of 2014 (O&M)
Date of Decision : 28.05.2016

IFFCO Tokio General Insurance Co. Ltd. .....Appellant

Versus

Binder Kaur and others .....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Bansal, Advocate
for the appellant.

Mr. A.K. Singla, Advocate
for respondents no. 4 and 5.

Surinder Gupta, J.

This is appeal by IFFCO Tokio General Insurance Co. Ltd. against award dated 25.04.2014 passed by the Motor Accident Claims Tribunal, Bathinda (later referred to as 'the Tribunal') allowing compensation of ₹7,30,000/- for death of Mandeep Singh (later referred to as 'the deceased') in an accident with motor vehicle bearing registration No. PB-13V-9742 (Mahindra Pick Up) (later referred to as 'the offending vehicle').

2. As the appellant has sought reduction in the amount of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. The Tribunal computed the compensation of ₹7,30,000/- awarded to claimants as follows:-

Sr. No.	***Heads***	***Calculation***
(i)	Name of the deceased	Mandeep Singh
(ii)	Age of the deceased	19 years
(iii)	Monthly income assessed	₹5000
(iv)	1/3rd deduction towards personal expenses	₹5000-1667=3333

(v)	Multiplier applied	18
(vi)	Amount of dependency	(₹3000x12x18)=719928 rounded off to ₹7,20,000/-
(vii)	Funeral expenses	₹5000/-
(viii)	Loss of estate	₹5000/-
	Total	**₹7,30,000**

4. Learned counsel for the appellant has raised two contentions. Firstly, the deceased was unmarried and as per observations in the case of ***Sarla Verma and ors.*** ***vs.*** ***Delhi Transport Corporation and another*****, *(2009) 6 SCC 121***, ½ of his income is to be deducted towards personal expenses of the deceased; and secondly, Harbans Singh-claimant no. 2 being father of the deceased was not dependent on the deceased.

5. So far as submission of learned counsel for the appellant that deduction towards personal expenses of the deceased applicable in this case is ½ and not $1/3^{rd}$ the same is as per observations in the case of ***Sarla Verma (supra)***. The question which arises for consideration is that in the case of death in a motor vehicle accident, the Tribunal has to allow just and reasonable compensation. Though, claimants are not in appeal still keeping in view the settled norms concerning the award of compensation, the amount of compensation awardable to claimants, can be reassessed. A three Judges Bench of Apex Court in the case of ***Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54*** while dealing with the explanation 'just compensation' has observed as follows:-

> *"7. The expression 'just compensation' has been explained in **Sarla Verma's case** (supra), holding that the compensation awarded by a Tribunal does not become just compensation merely because the Tribunal considered it to be just. 'Just Compensation' is adequate compensation which is fair and equitable, on the facts and circumstances of the case, to make good the loss*

> *suffered as a result of the wrong, as far as money can do so, by applying the well-settled principles relating to award of compensation. After surveying almost all the previous decisions, the Court almost standardized the norms for the assessment of damages in Motor Accident Claims."*

6. While considering just and reasonable compensation to which claimants are entitled, I find that income of the deceased assessed by the Tribunal as an unskilled worker is not on higher side. However, claimants are also entitled to addition of 50% in income of the deceased towards future prospects. The deduction from income of the deceased towards his personal expenses as per norms laid down in the case of ***Sarla Verma (supra)*** is 50%. The multiplier of 18 applied by the Tribunal is also correct. Claimant no. 1 being mother of the deceased is entitled to compensation of ₹1 lac towards loss of love and affection and estate while claimant no. 2 is entitled to compensation to the same extent towards loss of estate. The amount of compensation when computed as above comes out to be more than what has been awarded by the Tribunal.

7. In view of this even after contention of learned counsel for the appellant, qua deduction towards personal expenses of the deceased, being accepted, the total amount of compensation awarded by the Tribunal calls for no reduction. Consequently, this appeal has no merit.

Dismissed.

May 28, 2016 **(SURINDER GUPTA)**
jk **JUDGE**