IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4200 of 2002
Date of Decision: 31.10.2017

Smt. Parveen Gupta and others ... Appellants

Versus

Ajit Singh and another ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gobind Rana, Advocate,
for the appellants.

Mr. Suvir Dewan, Advocate,
for respondent No.2.

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RAJIV NARAIN RAINA, J.(Oral)

1. Heard Mr. Rana appearing for Mr. Harkesh Manuja, learned counsel for the appellants and Mr. Suvir Dewan for the Insurance Company at some length.

2. It is not disputed that the liability to pay the compensation awarded by the Tribunal falls squarely on the respondent Insurance Company since the offending vehicle was insured and the driver held a valid driving licence at the time of the accident leading to the death of Anil Kumar Gupta at the age of 43 years. The deceased was employed as an Assistant in the Haryana State Minor Irrigation Tubewell Corporation and was a salaried employee earning a gross salary of ₹7986/- per month on March 22, 1999 when he suffered injuries in a fatal accident and died succumbing to them. He left behind his wife and three minor children one of

whom was a daughter. The parents were not dependent on him. In this appeal, there are four claimants. The Motor Accident Claims Tribunal, Jind vide its award dated March 20, 2002 has awarded compensation to the tune of ₹9,24,432/-. The multiplier applied is 14 which is appropriate.

3. There is no doubt that the compensation awarded is inadequate and deserves to be enhanced on the conventional heads as well as for future prospects which has not been awarded. The deduction from salary has to be 1/4th which works out the annual loss of dependency to ₹13,07,880/-. The addition towards future prospects would be @30% as his age was 43 at the time of death as per Smt. Sarla Verma and others v. Delhi Transport Corporation and another, (2009) 2 SCC (Civil) 770. In addition to the above amount, the wife has to be awarded ₹1 lakh for loss of consortium. The three minor children deserve to have been awarded ₹1 lakh each for loss of love and affection, care and guidance. The funeral expenses have to be increased to ₹25,000/- one time. Loss to the estate would account for increase by ₹1 lakh in terms of Kalpanaraj and others v. Tamil Nadu State Transport Corporation, (2015) 2 SCC 764 & Sandhya Rani Debbarma and others v. National Insurance Company Ltd. and another, 2016 (4) RCR (Civil) 465. When the compensation is enhanced as above, the claimants would become entitled to compensation as per chart reproduced below:-

1.	Monthly salary	₹ 7,986/-
2.	Plus 30% increase	₹ 2,395/-
3.	Total monthly salary	₹ 10,381/-
4.	1/4 deduction towards personal expenses	
5.	Monthly dependency	₹ 7,785/-
6.	Annual dependency	₹ 93,420/-
7.	Multiplier	14

8.	Loss of dependency	₹ 13,07,880/-
9.	Loss of consortium	₹ 1,00,000/-
10.	Loss of love and affection to three minor children	₹ 3,00,000/-
11.	Loss of estate	₹ 1,00,000/-
12.	Funeral expenses	₹ 25,000/-
13.	Total compensation	₹ 18,32,880/-
14.	Compensation awarded by Ld. Tribunal	₹ 9,24,432/-
15.	Enhancement in compensation	₹ 9,08,448/-
16.	Plus interest on the enhanced amount of compensation at the rate of 9% per annum from the date of the claim petition till realization	

4. As a result, the appeal is partly allowed. The award is modified as per terms of this order. Compensation is increased by ₹9,08,448/-. However, rate of interest is maintained as awarded from the date of the claim petition till realization. The amount be deposited within two months before the MACT/Executing Court and disbursed to the claimants after following due procedure.

(RAJIV NARAIN RAINA)
JUDGE

31.10.2017
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Whether speaking/reasoned *Yes*

Whether reportable *No*