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

FAO No.8185 of 2017(O&M)

Date of decision: 15.12.2017

National Insurance Co. Ltd. …..Appellant

VERSUS

Krishan Chander @ Krishan and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Gopal Mittal, Advocate for the appellant.

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REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 06.09.2017 passed by the Motor Accidents Claims Tribunal, Sonipat (in short 'the Tribunal') whereby compensation has been awarded in regard to death of Sanjeev in a motor vehicular accident that took place on 09.07.2016.

The Tribunal has awarded compensation to the tune of Rs.21,31,000/- detailed hereunder:-

Monthly income of the deceased	Rs.13,000/-
Increase in income for future prospects	50%
Deduction for personal expenses	50%
Multiplier	18
Loss of dependency	Rs.21,06,000/- (Rs.1,17,000 x 18)
Funeral expenses	Rs.25,000/-

Counsel for the appellant has submitted that the Tribunal has allowed benefit of increase in income for future prospects to the extent of 50% whereas admissible increase is 40% in the light of latest judgment of the Constitution Bench of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.** It is further argued that the Tribunal has wrongly applied multiplier of 18 despite the fact that the matter is pending consideration before a Larger bench of Hon'ble the Supreme Court of India.

Perusal of the award makes it evident that the Tribunal has assessed income of the deceased on the basis of testimony of Dalbir Singh, proprietor M/s Vidya Construction Company, Sonipat, PW4 to the effect that deceased was working in the aforesaid firm as Civil Engineer since 01.06.2016 at salary of Rs.13,000/- per month. As the deceased was not a government employee, admissible increase in income for future prospects shall be 40% in the light of judgment in **Pranay Sethi's case** (supra). As the deceased was 22 years old, admissible multiplier would be 18 in the light of judgments of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77,** **Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447** and **Pranay Sethi and others case** (supra).

The Tribunal has awarded an amount of Rs.25,000/- towards expenses on funeral but no compensation has been awarded for loss of estate. In the light of judgment in **Pranay Sethi's case** (supra), claimants shall be entitled to Rs.30,000/- under conventional heads namely

Rs.15,000/- for expenses on funeral and another Rs.15,000/- for loss of estate. In view of the above, loss of dependency comes to Rs.19,65,600/- [Rs.28,08,000/- (Rs.13000/- x 12 x 18) + Rs.11,23,200/- (40% towards future prospects) – Rs.19,65,600/- (50% deduction towards personal expenses)].

The total compensation comes to Rs.19,95,600/-. As such, compensation awarded by the Tribunal is reduced to the extent of Rs.1,35,400/- (21,31,000/- - 19,95,600/-).

The appeal is disposed of in the aforesaid terms.

Before parting with this order, it is pertinent to mention here that amount of compensation assessed by the Tribunal has been reduced without notice to the claimants. They would be at liberty to file an appropriate application if they have any grievance to express. It is further clarified that in case the claimants file an appeal for enhancement, any observation made for disposing of the appeal filed by the insurance company would not cause prejudice to their rights.

DECEMBER 15, 2017 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no