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

FAO No.5046 of 2003(O&M)
Date of Decision: April 16, 2018

Harbhajan Kaur and others ...Appellant

Versus

Manjinder Singh and others ...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Bhag Singh, Advocate
for the appellants.

Mr.Gopal Mittal, Advocate
for respondent No.3 – Insurer.

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HARINDER SINGH SIDHU, J.

The claimants have filed the present appeal challenging the award dated 01.09.2002 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib (for short 'the Tribunal').

Brief facts as disclosed in the claim petition are that on 25.03.2001 in the area of Grain market turn, G.T road Bara Sirhind a vehicular accident took place involving Truck No.HR-58-9395 (herein for short 'the offending vehicle'), wherein, Gulzar Singh lost his life. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was also registered.

The Tribunal assessed the income of the deceased at Rs.70/- to 80/- per day. The Tribunal awarded Rs. 1,20,000/- as compensation along with interest to the claimants, without assessing the compensation under different heads.

Feeling dissatisfied with the quantum of compensation, the claimants are before this Court.

It is argued on behalf of the claimants/appellants that the Tribunal has not followed any procedure while assessing the compensation. Neither any future prospects have been granted, nor the proper multiplier has been applied to assess the loss of dependency. It is further argued that no separate amount has been awarded under conventional heads as per the settled law.

Having heard learned counsel for the parties and in view of the decision of the Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 AIR(SC) 5157,** the compensation is re-assessed as under:-

Sr.No.	**Heads**	**Calculation (In Rs.)**
(i)	Monthly Income (Rs.80/- per day as assessed by Tribunal)	2400/-
(ii)	25% of above (i) to be added as future prospects (deceased aged 42 yrs.)	2400+(2400x25/100) = 3000/-
(iii)	Loss of income (1/3rd of (ii) deducted as personal expenses of the deceased)	3000-(3000x1/3)= 2000/- per month
(iv)	Compensation after multiplier of 14 is applied	2000x12x14= 3,36,000/-
(v)	Loss of Consortium (Exclusively payable to the widow of deceased)	Rs.40,000/-
(vi)	Loss of Estate	Rs.15,000/-
(vii)	Funeral Expenses	Rs.15,000/-
	Total	***Rs.4,06,000/-***

Hence, the appeal is allowed. The Award of the Tribunal is modified to the extent that the appellant is held entitled to total compensation of Rs.4,06,000/-, that is, Rs.2,86,000/- (*406000-120000*) over and above the amount awarded by the Tribunal. Interest shall be paid on the enhanced amount at the rate of 7.5% per annum from the date of filing of claim application till realisation.

April 16, 2018 **(HARINDER SINGH SIDHU)**
gian **JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No