

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

FAO No. 2586 of 2003

DATE OF DECISION : 12.01.2018

Kunti Devi and others

.... APPELLANTS

Versus

Sarabjit Singh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Madan Gupta, Advocate,
for the appellants.

Mr. Lalit Garg, Advocate,
for respondent No.3 – Insurance Company.

* * *

AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against the award dated 17.04.2001 passed by the Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal').

On 21/22.05.1996, Puran Chand was travelling in a truck bearing registration No. DL-1G-5117 along with his goods. The said truck was hit by a rashly and negligently driven truck bearing registration No. PAT 8771. As a result of the injuries suffered in the accident, Puran Chand lost his life.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by the legal heirs of the deceased. The

deceased was employed as Mali-cum-Chowkidar in Public Health Department, Haryana. It was proved by the claimants by producing salary certificate of the deceased that his monthly salary was ₹ 2,741/-. There is no dispute to the fact that age of the deceased was 45 years and that he was survived by five dependents.

The Tribunal, after considering the evidence and material on record, awarded a sum of ₹ 2,90,000/- along with interest at the rate of 9% per annum.

The issues raised in the present appeal are that no future prospects have been awarded, the multiplier of 11 has wrongly been applied, deduction of 1/3rd for self expenses has been wrongly made, the amounts awarded under the conventional heads are on the lower side, and that no amount has been awarded for loss of estate.

Learned counsel for the Insurance Company defended the award, but in view of the settled propositions of law by the Hon'ble Apex Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another, (2009) 6 SCC 121** and **National Insurance Company Limited Vs. Pranay Sethi and others, Special Leave Petition (Civil) No. 25590 of 2014, decided on 31.10.2017**, the contentions raised by learned counsel for the appellants deserve acceptance.

The Hon'ble Apex Court in **Sarla Verma's case** (supra) has held that where the deceased is survived by 4 to 6 dependents, 1/4th deduction has to be made. With regard to the multiplier, the Hon'ble Apex Court has

held that where the deceased is in the age group of 41 to 45 years, multiplier of 14 has to be applied. The Hon'ble Apex Court in *Pranay Sethi's case* (supra) has held that where the deceased was in the age group of 40 to 50 years and was having permanent job, 30% future prospects are to be awarded.

The compensation to be awarded to the appellants is re-calculated in consonance with the aforesaid decisions of the Hon'ble Supreme Court :-

Annual earning of the deceased	
	3,125 x 12 = ₹ 37,500/-
Add 30% future prospects	₹ 11,250/-
Total earning	₹ 48,750/-
Less ¼ th deduction for self expenses	₹ 12,188/-
Dependency	₹ 36,562/-
Compensation to be awarded by applying multiplier of '14'	36,562 x 14 = ₹ 5,11,868/-
Loss of estate	₹ 15,000/-
Loss of consortium	₹ 40,000/-
Funeral expenses	₹ 15,000/-
Total	₹ 5,81,868/-

Consequently, the award dated 17.04.2001 is modified to the extent that the compensation of ₹ 2,90,000/- awarded by the Tribunal is enhanced to ₹ 5,81,868/-.

The appellants shall be entitled to the enhanced amount along with interest at the rate of 6% per annum from the date of filing of the claim

petition till realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

January 12, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No