

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 31 of 1990 (O&M)
Date of Decision : 06.03.2018

Sukhpal and another

.....Appellants

Versus

Jagat Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Tarun Yadav, Advocate
for Mr. D.S. Raghu, Advocate
for the appellants.

Mr. Amit Jain, Advocate
For respondent no. 1.

Mr. R.C. Kapoor, Advocate
for respondent no. 3-Insurance Company.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Grugaon (later referred to as 'the Tribunal') for death of Narinder @ Nirankar (later referred to as 'the deceased'), in a motor vehicle accident on 17.06.1988 with truck bearing Registration no. DBL-7615 (later referred to as 'the offending vehicle').

2. As the only issue involved in this appeal is enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. Learned counsel for appellants has argued that multiplier is to be applied as per age of the deceased in view of law settled by Hon'ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009** and as per observations of Hon'ble Apex

Court in case of **Sarla Verma and ors. vs. Delhi Transport Corporation and**

another, (2009) 6 SCC 121, multiplier applicable in this case while computing amount of compensation is 18 and not 10 as applied by the Tribunal. Claimants-appellants are also entitled to addition of 40% in income of the deceased towards future prospects.

4. Learned counsel for respondent no. 3-Insurance Company has argued that the deceased was bachelor and as per law laid down by Hon'ble Apex Court in case of ***Sarla Vema (supra)***, $\frac{1}{2}$ of income of the deceased is required to be deducted towards his personal expenses. He has, however, not disputed that as per law laid down by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, claimants-appellants are entitled to addition in income of the deceased towards future prospects and multiplier as per age of the deceased alongwith compensation under the conventional heads.

5. The deceased was unmarried, as such, $\frac{1}{2}$ of income of the deceased is to be made towards his personal expenses. It is the age of the deceased, which is to be taken into consideration while applying the multiplier, which as per age of the deceased is 18. Besides this appellants are also entitled to addition of 40% in income of the deceased towards future prospects. Keeping in view the fact that accident had taken place in the year 1988, appellants are also allowed lump sum of ₹15,000/- towards funeral expenses and loss of estate.

6. In view of above, the compensation to which claimants are entitled is reassessed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Narinder @ Nirankar
(ii)	Age of the deceased	19 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹600 per month

(iv)	40% of (iii) above added towards future prospects	(₹600+ ₹240)= ₹840/- per month
(v)	½ of (iv) above deducted towards personal expenses	(₹840- ₹420) = ₹420 per month
(vi)	Compensation calculated after applying the multiplier of 18 in view of age of mother of the deceased	(₹420X12X18) = ₹90720
(vii)	Compensation for funeral expenses and loss of estate	₹15000
Total		₹105720 (rounded off to ₹106000)

7. As a sequel of my discussion above, the instant appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimants for death of Narinder @ Nirankar is enhanced from ₹48,000/- to ₹1,06,000/-. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of instant appeal till actual realization. Respondent no. 3-Insurance Company being insurer of the offending vehicle will deposit the share of claimants in their bank accounts or pay the same through demand drafts. Claimants will equally share the enhanced amount of compensation.

8. In the event of demise of any of the claimants before or after passing of this order, compensation of his/her share shall be paid to surviving claimant-appellant.

March 06, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No