

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

F.A.O. No. 1552 of 1992 (O&M)

Date of Decision: 10.08.2018

Manjit Singh and another

.....Appellants.

Versus

Bachan Singh and others

..... Respondents.

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Rachna Rudra, Advocate
for the appellants.

Mr.Jaswinder Singh., DAG., Punjab

LISA GILL, J.

Appellant-claimants, seek enhancement of the compensation awarded to them by the learned Motor Accident Claims Tribunal, Jalandhar (for short 'MACT'), vide impugned award dated 25.05.1991 on account of death of Harbhajan Singh.

As per averments in the claim petition, Harbhajan Singh i.e. father of appellants no.1 and 2 (minor children through their next friend and real uncle Balwinder Singh) died in a motor vehicle accident which took place on 13.09.1989 due to rash and negligent driving of bus bearing registration No. PJQ-3761 of Punjab Roadways depot Jalandhar, by its driver namely Bachan Singh-respondent no.1. FIR under Section 304-A IPC was registered in this respect.

Learned tribunal concluded that the accident in question was caused due to rash and negligent driving of the offending vehicle by respondent no.1-Bachan Singh. The said finding of the learned tribunal has

attained finality.

The learned tribunal awarded a total sum of ₹1,35,000/- to the claimants. Income of the deceased was assessed as ₹1000/- per month. Deduction of 1/3th was effected and a multiplier of 16 was applied.

Learned counsel for the appellants submits that compensation awarded to the appellants is required to be enhanced. Income of the deceased has been assessed on the lower side. Increase in income at the rate of 40% on account of future prospects and compensation under the conventional heads should be afforded in view of the judgement of the Hon'ble Supreme Court in **National Insurance Company Limited versus Pranay Sethi and others 2017 (4) RCR (Civil) 1009**. It is, thus, prayed that compensation awarded to the appellants be enhanced in terms of the abovesaid judgement.

Learned counsel for the respondents, however, submits that compensation has been reasonably assessed by the learned tribunal and there is no scope for any further enhancement. Learned counsel prays for dismissal of the appeal.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Learned counsel for the appellants is unable to point out any evidence on record to indicate that the deceased was earning more than what has been assessed by the learned tribunal. Thus, income of the deceased has been rightly assessed as ₹1000/- per month by the learned tribunal. However, increase in income on account of future prospects at the rate of 40% is required to be awarded keeping in view the judgement of the Hon'ble Supreme Court in *Pranay Sethi's* case (Supra).

In terms of the judgement of the Hon'ble Supreme Court in **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and Anr. 2009 (3) R.C.R. (Civil) 77**, multiplier of 17 is to be applied instead of 16 keeping in view the age of the deceased-Harbhajan Singh i.e. 30 years and 1/4th deduction on account of personal expenses is to be applied instead of 1/ 3rd keeping in view the number of dependants i.e. four.

Keeping in view the parameters referred to hereinbefore and in view of the decision of the Hon'ble Supreme Court in **Pranay Sethi** (supra) as well as **Smt. Sarla Verma** (supra), compensation towards the claimants on account of death of Harbhajan Singh is re-worked as under:-

1.	Total income of deceased	₹1000/- p.m
1.	Deduction of 1/4th on account of personal expenses	₹1000/- (₹1000*1/4=₹250/-) = ₹750/-
2.	Total income after addition of future prospects at the rate of 40%	₹1050/- (₹750 + ₹300) i.e. 1050 x 12 = 12600/-
3.	Annual dependency after applying multiplier of 17	₹2,14,200/- (₹12600 x 17)
4.	Loss of estate	₹15,000/-
5.	Loss of consortium claimant wife	₹40,000/-
6.	Funeral expenses	₹15,000/-
	Total Compensation =	₹2,84,200/-

The amount of compensation already awarded to the appellants shall stand deducted from the amount calculated as above. Appellants shall be entitled to interest at the rate of 7.5% per cent per annum on the enhanced amount from the date of filing of the petition till realization.

Apportionment of amount of compensation amongst claimants shall be in the same ratio as fixed by the learned Tribunal. Directions of the

Tribunal in respect to manner of disbursement of compensation amount to the claimants shall enure.

With the abovesaid modification in the amount of compensation, present appeal is disposed of.

10.08.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.