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

FAO No.4877 of 2002 (O&M)
Date of Decision: April 23, 2018.

Balak Ram and another

..........APPELLANT(s).

VERSUS

Jagtar Singh and another

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ravi Sharma, Advocate
for the appellant (s).

None for respondents.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as 'the tribunal') vide award dated 30.07.2001 allowed compensation of ₹70000/- for the death of Amrik Singh, son of appellants No.1 and 2, in a motor vehicle accident with truck bearing registration No.HR-03-8598.

As the only issue involved in this appeal relates to quantum of compensation as awarded by Tribunal, detailed facts of the case are being skipped for the sake of brevity.

The compensation awarded was computed as follows:-

(i)	Name of the deceased	Amrik Singh
(ii)	Age of the deceased	22 years
(iii)	Income of the deceased	₹5000 p.m.

(iv)	Deduction towards personal expenses and remaining income	₹5000-4000=₹1000 p.m. i.e. ₹12000 p.a.
(v)	Multiplier applied 5	₹12000 X5 = ₹60000/-
(vi)	Funeral expenses	₹10000/-
	Total	₹70000/-

Learned counsel for the appellants has sought enhancement of compensation as awarded by the tribunal on following scores:-

(i) As per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017 (4) R.C.R. (Civil) 1009,*** the multiplier while computing the loss of dependency, is to be applied as per age of the deceased. In this case deceased was 22 years of age, as such, multiplier applicable on this score is 18 while the tribunal has applied multiplier as 5.

(ii) The deceased was self employed and as per the law laid down by Hon'ble Apex Court in above cited case, claimants are entitled to addition of 40% in the income of the deceased towards future prospects.

(iii) The claimants are also entitled to compensation under the conventional heads, which has not been awarded by the tribunal.

(iv) The compensation is to be calculated as per the law settled in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121,*** which has further been approved by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)*** and not in the manner as calculated by the tribunal which has virtually made deduction of $4/5^{th}$ income of the deceased as his personal expenses.

Taking note of the observations in the aforesaid case of

National Insurance Company Limited Vs. Pranay Sethi and others (supra), the claimants are entitled to addition of 40% in the income of the deceased towards his future prospects. The deceased was bachelor, as such, 1/2 of his income is to be deducted towards his personal expenses. The multiplier applicable while computing the amount of compensation towards loss of dependency is to be seen as per the age of the deceased and not as per the age of claimants. As per law settled in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra)***, the multiplier applicable in this case is 18. As the accident had taken place in the year 2001 and keeping in view the price index prevailing at that time, claimants are also entitled to a lump sum compensation of ₹20,000/- towards loss of estate and funeral expenses.

As a sequel of my above discussion, the compensation to which the claimants are entitled, is reassessed as follows:-

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased	₹5000 per month
(ii)	40% of above (i) to be added as future prospects	(₹5000+₹2000)= ₹7000 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹7000-₹3500)= ₹3500 per month
(iv)	Compensation after multiplier of 18 is applied	(₹3500X12X18)= ₹756000/-
(v)	Compensation under conventional heads i.e. loss of estate and funeral expenses.	₹20000
Total		₹7,76,000/-

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹70000/- to ₹7,76,000/- for death of Amrik Singh. Liability to pay the amount of compensation shall be as per award.

The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants as per the award. Respondents will deposit the shares of appellants-claimants in their bank accounts or pay the same through demand drafts. The claimants shall also be entitled to costs of this appeal. In case of demise of any of above claimant(s) before his/her share of compensation is disbursed, the same shall be given to other surviving claimant.

(SURINDER GUPTA)
JUDGE

April 23, 2018.
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No