

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

**FAO No.1463 of 2003 (O&M)
Date of Decision: April 23, 2018.**

Pritam Singh and another

.....APPELLANT(s).

VERSUS

Ramesh Chand and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Saurabh Bhardwaj, Advocate
for the appellant (s).

Mr. Kapil Bansal, D.A.G. Haryana
for respondent No.2 and 3.

Mr. Paul S. Saini, Advocate
for respondent No.4-insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'the tribunal') vide award dated 17.02.2003 allowed compensation of ₹1,47,800/- for death of Ranjit Singh, son of appellants No.1 and 2, in a motor vehicle accident with bus bearing registration No.HR-37-3958.

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 by the tribunal was computed as

follows:-

(i)	Name of the deceased	Ranjit Singh
(ii)	Age of the deceased	21 years
(iii)	Income of the deceased	₹2100 p.m.
(iv)	Deduction towards personal expenses	₹2100-700=₹1400 p.m. i.e. ₹16800 p.a.
(v)	Compensation after applying multiplier of 15	₹142800.
(vi)	Transportation and Funeral expenses	₹5000
Total		₹1,47,800/-

Learned counsel for the appellants has argued that deceased Ranjit Singh was 21 years of age and was employed as a cleaner on the truck. The tribunal has assessed his monthly income as ₹2100/- per month. While not disputing the assessment of income of the deceased by the tribunal, learned counsel for the appellant has sought enhancement of compensation on following grounds:-

- (i) As per age of the deceased, multiplier attracted in this case as per the law settled by Hon'ble Apex Court in case of **Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121**, is 18 and not 15 as applied by the tribunal.
- (ii) The deceased was self employed and was 21 years old at the time of his death. As per the observations in case of **National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009**, claimants are entitled to addition of 40% in the income of the deceased towards future prospects besides compensation under conventional heads.

Learned counsel for respondent-insurance company has not disputed the law laid down by Hon'ble Apex Court in case of **Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra)** and **National Insurance Company Limited Vs. Pranay Sethi and others**

(supra), but has argued that the deceased was unmarried and the tribunal

has deducted 1/3rd of his income towards personal expenses instead of 1/2, as per the law settled by Hon'ble Apex Court in case of *Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra)* and approved in case of *National Insurance Company Limited Vs. Pranay Sethi and others (supra)*.

Hon'ble Apex Court in case of *National Insurance Company Limited Vs. Pranay Sethi and others (supra)*, has held that for the deceased in motor accident cases in the age group of less than 40 years, an addition of 40% is to be made in the income of the deceased towards his future prospects. The multiplier is to be applied as per the age of the deceased and not as per the age of claimants. The deceased was 21 years of age and the multiplier as per the law laid down in *Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra)* attracted in this case is 18. The claimants are also entitled to a lump sum compensation of ₹20,000/- towards funeral expenses and loss of estate.

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

Sl.No.	Heads	Calculation
(i)	Income of the deceased	₹2100 per month
(ii)	40% of above (i) to be added as future prospects	(₹2100+₹840)= ₹2940 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹2940-₹1470)= ₹1470 per month
(iv)	Compensation after multiplier of 18 is applied	(₹1470X12X18)= ₹317520
(v)	Compensation under conventional heads i.e. loss of estate, funeral expenses	₹20000
Total		₹3,37,520/-

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 ₹1,47,800/- to ₹3,37,520/- for death of Ranjit Singh. As per the award, liability to pay the amount of compensation, at the first instance, shall be of respondent No.4-insurance company, however, it shall have the right to recover the same from the insured. 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. Respondent No.4-insurance company 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 claimants.

April 23, 2018.

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No