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

**FAO No.2470 of 1999**
**Date of Decision: 18.08.2018**

**SMT. RAKESH BALA AND ANOTHER**
**.....APPELLANTS**

**VERSUS**

**PT. VASDEV AND OTHERS**
**. ....RESPONDENTS**

**CORAM:** ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. K.S. Chahal, Advocate
for the appellants.

Mr. B.S. Tanque, Advocate
for respondent No.3.

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***RAJ MOHAN SINGH, J.(Oral)***

[1]. This is an appeal filed by the claimants for enhancement of compensation.

[2]. Motor Accident Claims Tribunal, Sangrur (for short 'the Tribunal') awarded an amount of Rs.2,77,500/- in favour of the claimants in equal shares along with interest @ 12% per annum from the date of filing of the claim petition till final realisation of the amount.

[3]. The accident has not been disputed by the Insurance Company. Insurance Company has not disputed its liability to indemnify the insured in the present accident.

[4]. As per case set up by the claimants, deceased Inderjit Singla was a medical practitioner in Unani System of Medicine. On the basis of oral evidence, his income was assessed to be Rs.2400/- per month. Since no documentary evidence was produced by the claimants to prove income of the deceased to be Rs.5000/-, in my considered opinion, the income assessed by the Tribunal is on the correct parameters. The deceased was 35 years of age at the time of his death. In view of ratio laid down in ***National Insurance Co. Limited vs. Pranay Sethi, 2017 SCC 1270***, deceased was having future prospects in terms of his financial growth. Future prospects to the tune of 40% can be applied in view of age of the deceased and after applying the same, monthly income of the deceased can be assessed as Rs.3360/- (2400+960=3360) i.e. Rs.40,320/- per annum. Keeping in view the composition of the family of the deceased, 1/3rd deduction has to be applied towards personal expenses of the deceased. 1/3rd deduction would come out to be Rs.13,440/- (40,320/3=13,440). In this way annual dependency of the family can be calculated as Rs.26,880/- (40,320-13,440=26,880) to which multiplier of 16 has to be applied keeping in view the age of the deceased and in view of ratio laid down in ***Smt. Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77,*** After applying multiplier

of 16, the amount would come out to be Rs.4,30,080/- to which an amount of Rs.70,000/- is to be added towards conventional head in view of ratio laid down in ***Pranay Sethi's case (supra)***. In this way total amount of compensation would come to be Rs.5,00,080/-. Since, an amount of Rs.2,77,500/- has already been awarded by the Tribunal, therefore, this amount has to be deducted from the aforesaid tally. In this way, enhanced amount of compensation would come out to be Rs.2,22,580/- (5,00,080-2,77,500=2,22,580).

[5]. The enhanced amount i.e. Rs.2,22,580/- shall carry interest @ 6 % per annum from the date of filing of the claim petition till final realization of the amount.

[6]. With the aforesaid modification, the present appeal stands disposed of.

August 18, 2018 **(RAJ MOHAN SINGH)**
*Prince* **JUDGE**

**Whether Reasoned/Speaking** **Yes/No**

**Whether Reportable** **Yes/No**