IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1184 of 2001(O&M)

Date of Decision: September 25 , 2018.

Balbir Kaur and others ...... APPELLANT (s)

Versus

Mohan Singh and others ...... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. S.S.Siao, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate
for respondent No.3 – Insurance Company.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Patiala (for short, the 'Tribunal') vide impugned award dated 21.07.2014 on account of death of Karnail Singh in a motor vehicle accident.

Brief facts necessary for adjudication of the case are that, the claimants filed a petition under Section 166 of the Motor Vehicles Act (for short, the 'Act') seeking compensation on account of the death of Karnail Singh, who lost his life in a motor vehicle accident which took place on 22.06.1995. FIR

No.30 dated 22.06.1995, under Sections 279/337/338/304A IPC, Police Station Banaur was registered against respondent No.1-Mohan Singh. The learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of Mini Tata truck bearing registration No. PB-03-C-4667 by respondent No.1 – Mohan Singh. The said finding of the learned Tribunal has attained finality.

The learned Tribunal awarded a sum of ₹3,83,310/- as compensation to the appellants-claimants vide impugned award dated 20.08.2001. The deceased was working as a Lineman in PSEB, drawing a salary of ₹4,298/- per month. Deduction to the extent of 1/3rd on account of personal expenses was effected and multiplier of 11 was applied. ₹5,000/- towards funeral expenses were awarded.

Learned counsel for the appellants submits that increase in income at the rate of 30% is to be afforded on account of future prospects in view the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others**, ***2017(16) SCC 680***. It is further submitted that the learned Tribunal has erred in applying the multiplier of 11 keeping in view the age of the deceased at the time of the accident. The amount under the conventional heads also needs to be enhanced.

Learned counsel for respondent No.3 – Insurance Company however prays that the impugned award does not call for any enhancement of the compensation as the same is reasonable and justified in the facts and circumstances of the case.

I have heard learned counsel for the parties and have gone through the file.

Liability of the Insurance Company is not in dispute and neither is there a dispute regarding the accident being caused by the rash and negligent act of respondent No.1 – Mohan Singh. The deceased was an employee of PSEB, drawing a salary of ₹4,298/- per month. The same has not been disputed. Deduction at the rate of 1/3rd on account of personal expenses has been rightly effected. However, multiplier of 13 (instead of 11) should have been applied as the deceased was 47 years old at the relevant time, in view of the observations of the Hon'ble Supreme Court in **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another**, ***2009(3) RCR (Civil)*** *77*. Increase in income at the rate of 30% on account of future prospects has to be afforded keeping in view the guidelines laid down by the Hon'ble Supreme Court in **Pranay Sethi's case** (supra). ₹15,000/- each towards funeral expenses (instead of ₹5,000/-) and loss of estate are awarded to the appellants, besides, ₹40,000/- to the claimant-wife on account of loss of consortium.

Appellants-claimants are, thus, entitled to the amount of compensation which is re-worked as under:-

Sr.No.	***Heads of Claim***	***Amount***
1.	Income	4,298 p.m. i.e. ₹51,576/- per annum
2.	Total income after addition at the rate of 30% on account of future prospects	51,576 + (51,576 **x** 30%) = 67,049
3.	Income after deduction of 1/3rd on account of personal expenses	67,049 – (67,049 **x** 1/3) = 44,699
4.	Total dependancy after applying a multiplier of 13	(44,699 **x** 13) = 5,81,087
5.	Loss of estate	15,000

6.	Funeral expenses	15,000
7.	Loss of consortium	40,000
	Grand Total	₹6,51,087/-

Needless to say, the amount already awarded by the learned Tribunal shall stand deducted from the compensation as detailed above. Appellants shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of filing of the petition till realization. Ratio of apportionment amongst the appellants as well as manner of disbursement as determined by the learned Tribunal shall remain the same.

Appeal is accordingly disposed of.

(LISA GILL)
JUDGE

September 25 , 2018.
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No