IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-1254-2001(O&M)
Date of Decision: 02.08.2018

Raghubir Singh & others --Appellants

Versus

Nankana Sahib Transport Company & others --Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Dinesh Saini, Advocate for
Mr. Pritam Saini, Advocate for the appellants.

Mr. Suvir Dewan, Advocate for
respondents no.3 and 5.

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TEJINDER SINGH DHINDSA.J (Oral)

This is claimants' appeal seeking enhancement of compensation.

Briefly noticed, a claim petition was preferred under Section 166 of the Motor Vehicle Act seeking compensation to the tune of Rs.10 lacs on account of death of Mohinder Singh in an accident that took place on 14.4.1998.

Claimants were the parents as also widow of the deceased.

Since the only issue involved in this appeal is with regard to quantum of compensation, this Court would be adverting to the findings returned by the Tribunal regarding Issue No.2 and which was framed to the following effect:-

> *"2. If issue no.1 is proved, to what amount of compensation, the claimants are entitled to and from whom?OPP."*

It may be noticed that a total compensation amount of Rs.4,20,120/- has been awarded along with interest @ 12% from the date of filing of the claim petition till actual realization.

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I have heard counsel for the appellants as also contesting respondent no.3-Insurance Company.

In the considered view of this Court the compensation amount awarded would require to be reassessed and enhanced suitably in the light of the guidelines issued by the Apex Court in ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017(4) R.C.R (Civil), 1009***.

The Tribunal has assessed the income of the deceased as Rs.3500/- per month. Admittedly, no increase in income towards future prospects has been awarded. Since it was stated by the claimants themselves that deceased was self employed and that the Tribunal had taken the age of the deceased to be 28 years, 40% increase in income towards future prospects, is directed.

That apart, Tribunal has applied the multiplier of 15. Keeping in view the age of the deceased, the multiplier that ought to have been applied by the Tribunal is 17 as per the dictum laid down in ***Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(3) R.C.R (Civil), 77.***

It is further noticed that no amount has been awarded by the Tribunal under the conventional heads. By following the dictum in ***Pranay Sethi's*** case (supra), a sum of Rs.70,000/- towards loss of consortium, loss of estate and funeral expenses etc. is awarded.

No other point was urged by counsel for the appellants.

In view of the above, the compensation amount admissible to the claimants is reassessed, calculated and computed as follows:-

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Sr. No.	Head	Calculation
1.	Income (as assessed by the Tribunal)	3500/- per month
2.	40% increase in income towards future prospects	3500+40%=4900/-
3.	1/3rd deductions towards personal expenses of the deceased.	4900 ÷ 3 = 1633/- 4900-1633 = 3267/-
4.	Compensation after applying multiplier of 17	3267x12 = 39,204/- 39,204x17 = 6,66,468/-
5.	Conventional heads (loss of consortium, loss of estate, funeral expenses etc.)	70,000/-
6.	Total	6,66,468+70,000=Rs.7,36,468/-

The afore-calculated revised/enhanced compensation amount be apportioned in equal shares amongst the claimants/appellants along with interest @ 6% from the date of filing of the instant appeal till actual realization thereof.

Appeal is allowed in the aforesaid terms.

Pending application(s) if any, shall also stand disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

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