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

FAO No. 1628 of 2001 (O&M)
Date of Decision: April 23, 2018.

Smt. Joginder Kaur and others

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

VERSUS

Tata Engineering and Locomotive Company Ltd. and others

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

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate
for the appellants.

Mr. H.C.Walia, Advocate for
Mr. Shiv Kumar, Advocate
for respondent No. 1.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No. 3-Insurance Company.

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SURINDER GUPTA, J.(Oral)

Motor Accident Claims Tribunal, Ambala, (hereinafter referred to as 'the tribunal') vide award dated 17.03.2001 allowed compensation of ₹4,56,800/- for death of Mohinder Singh, husband of appellant No.1, father of appellants No.2 to 4 and son of appellants No.5 and 6, in a motor vehicle accident with truck bearing chasis No.359350, GRD No.117582.

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	Mohinder Singh
(ii)	Age of the deceased	50 years
(iii)	Income of the deceased	₹4000 p.m. i.e. ₹48000 p.a.
(iv)	Deduction towards personal expenses	₹48000-7200= ₹40800 p.a.
(v)	Multiplier applied 11	₹40800 X11 = ₹448800/-
(vi)	Funeral expenses	₹3000/-
(vii)	Loss of Consortium	₹5000/-
Total		₹4,56,800/-

Learned counsel for the appellants has argued that deceased Mohinder Singh was 50 years of age and was a registered medical practitioner. He has sought enhancement of compensation as awarded by the Tribunal on three counts. Firstly, that the Tribunal has applied multiplier of 11 while computing the amount of compensation, however, as per the law settled by Hon'ble Apex Court in the case of ***Sarla Verma and others Vs. Delhi Transport Coporation and another, (2009) 6, SCC, 121,*** the multiplier applicable in this case is 13. Secondly, as per the law settled by Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) R.C.R.(Civil) 1009,*** the claimants are entitled to 10% addition in income of the deceased towards future prospects. Thirdly, they are also entitled to compensation under the conventional heads.

Learned counsel for the respondents has argued that the Tribunal while making deduction from income of the deceased towards his personal expenses, has applied per unit multiplier system, while as per the law settled by Hon'ble Apex Court in the cases of ***Sarla Verma (supra)*** and ***Pranay Sethi (supra)***, 1/4th of his income is to be reduced towards personal expenses. However, he has not contested the grant of compensation, as per the law settled by Hon'ble Apex Court in the above cited cases.

The observations of the tribunal regarding income of the deceased have not been disputed. As per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra),*** the tribunal has to allow 25% addition in the income of the deceased who is privately employed and fall within the age group of 40-50 years. The date of birth of the deceased was 24.06.1948 and on the date of accident, he was more than 50 years of age. As such, he will fall within the age group of 50-60 years, for which addition in the income of the deceased towards future prospects as provided by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra),*** is 10%. The multiplier attracted in this case as per the observations of Hon'ble Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra),*** is 13. Keeping in view the fact that accident had taken place in the year 1998, the claimants are also awarded a lump sum compensation of ₹40,000/- under the conventional heads i.e. loss of consortium, loss of estate and funeral expenses.

The compensation to which the claimants are entitled, is reassessed as follows:-

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased	₹4000 per month
(ii)	10% of above (i) to be added as future prospects	(₹4000+₹400)= ₹4400 per month
(iii)	Deduction of 1/4th towards personal expenses of the deceased	(₹4400-₹1100)= ₹3300 per month
(iv)	Compensation after multiplier of 13 is applied	(₹3300X12X13)= ₹514800
(v)	Compensation under conventional heads i.e. loss of consortium, loss of estate, funeral expenses	₹40000
	Total	₹5,54,800/-

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 ₹4,56,800/- to ₹5,54,800/- for death of Mohinder 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 follows:-

1.	Smt. Joginder Kaur, Widow	:50%
2.	Appellants No.2 to 6	:10% each

Respondent No.3-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 apportioned equally amongst other surviving claimants.

(SURINDER GUPTA)
JUDGE

April 23, 2018.
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No