IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2976 of 2001(O&M)

Date of decision: 12.1.2018

Sunita …..Appellant

VERSUS

Prem Singh and others .....Respondents

*****

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashwani Gaur, Advocate for the appellant.

Mr. Sandeep Suri, Advocate for respondent No.3.

*****

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Hisar (in short 'the Tribunal') in regard to death of Shree Dhan Sharma in a motor vehicular accident that took place on 16.10.1998.

Notice to respondent No.1 could not be issued as counsel for the appellant has not furnished his complete address. Notice issued for service of respondent No.2 received back with the report that he is not residing at the given address.

Counsel for the appellants has submitted that as insurance company has been held liable to pay compensation without any right of recovery, service of respondents No.1 and 2 may be dispensed with. Counsel for insurance company also concedes to this fact. Accordingly, service of respondents No.1 and 2 is dispensed with.

The Tribunal has awarded compensation to the tune of Rs.2,52,000/- payable with interest detailed hereunder:-

Monthly income of the deceased	Rs.2000/-
Deduction for personal expenses	1/3rd
Multiplier	16
Loss of dependency	Rs.2,40,000/-
	(Rs.1250 x 12 x 16)
Loss of consortium	Rs.5,000/-
Expenses on transportation, funeral and last rites	Rs.7,000/-

Counsel representing the claimants would urge that as the deceased was less than 25 years of age, admissible multiplier would be 18. The claimants are entitled to increase in income for future prospects to the tune of 40%. Adequate compensation may be awarded under conventional heads.

Counsel representing the insurance company, on the contrary, has supported assessment made by the Tribunal.

There is no dispute that the deceased was less than 25 years of age. In the light of enunciation laid down by Hon'ble the Supreme Court in **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77**, admissible multiplier would be 18. The claimants shall be entitled to increase in income for future prospects in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.** In this manner, loss of dependency comes to Rs.4,03,200/- [Rs.4,32,000/-

(Rs.2000 x 12 x 18) + Rs.1,72,800/- (40% future prospects) – Rs. 2,01,600/- (1/3rd deduction towards personal expenses).

The claimants shall be entitled to following compensation under conventional heads in the light of judgment in **Pranay Sethi's case** (supra):-

Loss of consortium	Rs.40,000/-
Funeral expenses/last rites	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation comes to Rs.4,73,200/- and the additional amount is Rs.2,21,200/- (Rs.4,73,200/- - Rs.2,52,000/-). The additional amount shall carry interest at the rate of 7.5% per annum from the date of petition till realization, payable to the claimants in terms of award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

JANUARY 12, 2018 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no