IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No. 358 of 2001
Date of decision: 03.05.2018

Pratibha Arora and another ... Appellants

Versus

Mange Ram and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Chatrath, Advocate
for the appellants.

Mr. Gopal Mittal, Advocate and
Mr. Vinod Gupta, Advocate
for the respondent no.3-Insurance Company.

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SURINDER GUPTA, J

Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'the tribunal') vide award dated 17.7.2000 allowed compensation of ₹2,68,800/- for death of Saroj Arora mother of appellants No.1 and 2, in a motor vehicle accident with truck bearing registration No.HR-03-5711.

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 by the tribunal was computed as follows:-

(i)	Name of the deceased	Smt. Saroj Arora
(ii)	Age of the deceased	42 years
(iii)	Income of the deceased	₹1800 p.m.
(iv)	Deduction towards personal expenses	₹1800-400=1400/- p.m. i.e. ₹1400X12= ₹16800 p.a.
(v)	Multiplier applied 16	₹16800X16= ₹268800/-
	Total	₹268800/-

Learned counsel for the appellants has argued that deceased was employed as sales assistant and drawing ₹1800/- per month as salary along with incentives on the sale of spare parts. It was proved on record that she had received ₹2300/- as incentives for the month of March; ₹1300/- in May; ₹1600/- in June; and ₹1100/- in July, 1997. The Tribunal has ignored the amount of incentives while assessing her salary as ₹1800/- per month. Being mother of claimants and in the absence of her husband, she was looking after and providing services to them and taking care of their daily needs but the Tribunal has not added any amount in the income of the deceased towards the value of her services. As per law settled by the Apex Court in ***National Insurance Company Limited Vs. Pranay Sethi and others*** *2017(4) R.C.R. (Civil) 1009* claimants are entitled to 25% increase in income of deceased towards future prospects and compensation under conventional heads.

Learned counsel for respondent has argued that the Tribunal has rightly taken the income of the deceased as ₹1800/- per month as payment of incentives depends on the sale of spare parts was not fixed amount. He has further argued that Tribunal has applied multiplier of 16 instead of 14 as per age of deceased while computing the amount of compensation. The Tribunal has made deduction of ₹400/- from the salary of deceased towards personal expenses instead of making deduction of 1/3rd.

The deceased was proved to be employed as Sales Assistant and drawing salary of ₹1800/- per month plus incentives on the sale of spare parts. It has also come on record that she had received ₹2300/- as incentives for the month of March; ₹1300/- in May; ₹1600/- in June and ₹1100/- in July, 1997. The tribunal has not added any amount in the salary of the deceased towards her incentives. Moreover, the tribunal has not added any amount in the income of the deceased towards the value of her services she was rendering to her children and also for taking care of their daily needs, in the absence of her husband. It is very difficult to value the multifarious services rendered by a mother to her children, in terms of money, especially when father of the children is not there to assist her but some estimate has to be made in terms of money to award compensation in such case. As such, I am of the opinion that the income of the deceased on account of her salary and sale incentives can be assessed as ₹3000/- and the value of the services rendered to claimants as ₹1000/- per month. As per the law laid down by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others*** *(supra),* the claimants are entitled to 25% addition in the income of the deceased, who was 42 years of age at the time of accident, towards future prospects. Keeping in view the fact that accident took place in the year 1997, the claimants are entitled to compensation of ₹20,000/- towards loss of estate and funeral expenses.

As a sequel of my above discussion, the compensation to which the claimants are entitled, is reassessed as follows:-

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased + value of her services rendered to claimants.	(₹3000+1000) = ₹4000 per month.
(ii)	25% of above ₹3000 to be added as future prospects	(₹3000+₹750)= ₹3750 per month
(iii)	1/3rd of (ii) above towards personal expenses of the deceased	(₹3750-1250) = ₹2500 per month
(iv)	Remaining income +value of services	(₹2500+1000) = ₹3500 per month
(v)	Compensation after multiplier of 14 is applied	(₹3500X12X14) = ₹588000
(vi)	Loss of estate	₹10000
(vii)	Funeral expenses	₹10000
	Total	**₹608000/-**

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 ₹2,68,800/- to ₹6,08,000/- for death of Smt. Saroj Arora. 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 realization. The amount of enhanced compensation shall be apportioned between the appellants-claimants in equal shares. Respondent-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.

May 03, 2018 **(Surinder Gupta)**
deepak/Sachin M. **Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No