

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3172 of 2002 (O&M)
Date of Decision : 06.03.2018

Meena Rani and others

.....Appellants

Versus

Baldev Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Maharaj Kumar, Advocate
for the appellants.

Mr. Paul S. Saini, Advocate with
Mr. Vipul Sharma, Advocate
for respondent no. 3-Insurance Company.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Patiala (later referred to as 'the Tribunal') for death of Mohinder Singh (later referred to as 'the deceased'), in a motor vehicle accident on 05.09.1998 with truck bearing registration no. PB-11-E-6185 (later referred to as 'the offending vehicle').

2. As the only issue involved in this appeal is enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. Learned counsel for appellants has argued that the deceased was 35 years of age and the Tribunal has applied the multiplier of 12, while as per observations of Hon'ble Apex Court in case of **Sarla Verma and ors. vs. Delhi Transport Corporation and another, (2009) 6 SCC 121**, the multiplier applicable in this case is 16. Claimants-appellants are also entitled to addition of 40% in income of the deceased towards future

down by Hon’ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.**

4. Learned counsel for insurance company though has not conceded the submissions of learned counsel for the appellants but could not rebut the same in view of the observations of Hon'ble Apex Court in case of ***Pranay Sethi (supra)***.

5. Taking note of the observations in case of ***Pranay Sethi (supra)***, the compensation to which claimants-appellants are entitled, is computed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Mohinder Singh
(ii)	Age of the deceased	35 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹2000 per month
(iv)	40% of (iii) above added towards future prospects	(₹2000+ ₹800)= ₹2800/- per month
(v)	1/4 th of (iv) above deducted towards personal expenses	(₹2800- ₹700) = ₹2100 per month
(vi)	Compensation calculated after applying the multiplier of 16 in view of age of the deceased	(₹2100X12X16) = ₹403200
(vii)	Compensation towards loss of consortium	₹40000
(viii)	Compensation towards loss of estate	₹15000
(ix)	Compensation towards funeral expenses	₹15000
<i>Total</i>		₹473200

6. As a sequel of my discussion above, the instant appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimants for death of Mohinder Singh is enhanced from ₹2,20,000/- to ₹4,73,200/-. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of instant appeal till

offending vehicle will deposit the share of claimants in their bank accounts or pay the same through demand drafts and shall have right to recover the amount of compensation from owner of offending vehicle. Claimants will share the amount of compensation as follows:-

- | | | | |
|-------|----------------------------------|---|----------|
| (i) | Appellant no. 1 (wife) | : | 30% |
| (ii) | Appellants no. 2 to 5 (children) | : | 15% each |
| (iii) | Appellant no. 6 (mother) | : | 10% |

7. In the event of demise of any of the claimants before or after disposal of this appeal, compensation of his/her share shall be paid to surviving claimants.

March 06, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No