

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.2515 of 2004 (O&M)
Date of Decision: November 13, 2018.

Bimla and others

.....APPELLANT(s).

VERSUS

Anil Kumar and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ram Chander, Advocate
for the appellant (s).

Mr. S.K. Mahajan, Advocate
for respondents No.4 and 5.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'the tribunal') vide award dated 23.02.2004 allowed compensation of ₹2,00,000/- for death of Hukam Singh, husband of appellant No.1 and father of appellants No.2 and 3, in a motor vehicle accident with Bus bearing registration No.DL-1P/1532.

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	Hukam Singh
(ii)	Age of the deceased	40 years

(iii)	Income of the deceased	₹2400 p.m.
(iv)	Deduction of 1/3 rd towards personal ex- penses	₹2400-800=₹1600 p.m. i.e. ₹19200 p.a.
(v)	Multiplier applied 10	₹19200X10 = ₹192000/-
(vi)	Loss of consortium	₹4000/-
(vii)	Funeral expenses	₹4000/-
Total		₹2,00,000/-

Learned counsel for the appellants has confined his submission for enhancement of compensation as awarded by the tribunal vide award dated 17.08.2001 as per the observations in case of **National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009.**

Learned counsel for respondents No.4 and 5 has not disputed grant of compensation to the appellants-claimants in view of the observations of Hon'ble Apex Court in case of **National Insurance Company Limited Vs. Pranay Sethi and others (supra).**

In view of the above submissions and ratio of law laid down by Hon'ble Apex Court in case of **National Insurance Company Limited Vs. Pranay Sethi and others (supra)**, the compensation to which the claimants are entitled, is reassessed as follows:-

Sl.No.	Heads	Calculation
(i)	Income of the deceased	₹2400 per month
(ii)	40% of above (i) to be added as future prospects	(₹2400+₹960) =₹3360 per month
(iii)	Deduction of 1/3 rd towards personal expenses of the deceased	(₹3360-₹1120)= ₹2240 per month
(iv)	Compensation after multiplier of 15 is applied	(₹2240X12X15)= ₹403200
(v)	Loss of consortium (keeping in view year of incident)	₹20000
(vi)	Loss of estate	₹7500
(vii)	Funeral expenses	₹7500
Total		₹4,38,200/-

The appeal has merits and is partly accepted. The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹2,00,000/- to ₹4,38,200/- for death of Hukam Singh. Liability to pay the amount of compensation shall be as per award. The enhanced amount of compensation will carry interest @ 7.5% 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:-

- | | | |
|------|---------------------------------|------------|
| (i) | Appellant-claimant No.1-widow | : 50% |
| (ii) | Appellants-claimants No.2 and 3 | : 25% each |

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. 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.

November 13, 2018.

Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No