

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No. 417 of 2004 (O&M)
Date of decision: May 01, 2018

Suresh Kumar and others
Versus
... Appellants

Avtar Singh and others
... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Deepak Arora, Advocate
for the appellant (s).

Mr. R.K. Bashamboo, Advocate and
Mr. R.C. Kapoor, Advocate
for respondent-Insurance Company.

SURINDER GUPTA, J

This is appeal by appellants-claimants seeking enhancement of compensation awarded vide award dated 04.09.2003 passed by Motor Accident Claims Tribunal, Hoshiarpur (later referred to as ‘the Tribunal’) for death of Krishan Dev (later referred to as 'the deceased'), father of appellants-claimants no. 1 to 4 and son of appellant-claimant no. 5, in a motor vehicle accident, which took place on 16.09.2000 with Jeep bearing registration No. URA-8327 being driven by respondent No.1.

As the only issue involved in this appeal relates to seeking of enhancement of compensation, 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	Krishan Dev
(ii)	Age of the deceased	52 years
(iii)	Income of the deceased	₹12440 p.m.
(iv)	Dependency after making deduction of 1/3 rd towards personal expenses	₹8294 per ₹99528 per annum

(v)	Multiplier applied 7	₹99528X7 = ₹696696/-
	<i>Total</i>	₹6,96,696/-

Learned counsel for appellant has argued that deceased Krishan Dev was 52 years of age. As per law settled by Apex Court in the case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009) 6 SCC 121*** the multiplier applicable while computing the amount of compensation for loss of dependency is 11 while the Tribunal has applied the multiplier of 7. The deceased has left behind 5 dependents as such 1/4th of his income could be deducted towards his personal expenses instead of 1/3rd as deducted by the Tribunal. The claimants are also entitled to compensation towards future prospects and under other conventional heads as per law settled in the case of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.***

Learned counsel for respondent has not disputed the law as settled by the Apex Court in the cases of ***Sarla Verma*** and ***Pranay Sethi (supra)***.

As per observations of Hon'ble Apex Court in the case of ***Sarla Verma (supra)***, the multiplier of 11 is to be applied while computing the amount of compensation for the death of a person between the age group of 51 to 55 years and deduction towards personal expenses of deceased, who had left behind 4 to 6 dependents, is to be made as 1/4th. The claimants are also entitled for 10% addition in the income of deceased towards future prospects as per law settled by the Apex Court in the case of ***Pranay Sethi (supra)***. The accident had taken place in the year 2000. Keeping in view the year of accident and the price index prevailing at that time, a lump sum compensation of ₹20,000/- is awarded to the claimants under the

conventional heads i.e. loss of estate, funeral expenses.

As a sequel of my above observations, claimants are entitled for compensation as follows :-

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Income of the deceased	₹12440 per month
(ii)	10% of above (i) to be added as future prospects	(₹12440+₹1244)= ₹13684 per month
(iii)	Deduction of 1/4 th towards personal expenses of the deceased	(₹13684-₹3421)= ₹10263 per month
(iv)	Compensation after multiplier of 11 is applied	(₹10263X12X11)= ₹1354716
(vi)	Loss of estate	₹10000
(vii)	Funeral expenses	₹10000
<i>Total</i>		₹13,74,716/-

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 ₹6,96,696/- to ₹13,74,716/- for death of Krishan Dev. 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 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. 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.

May 01, 2018
deepak/Sachin M.

(Surinder Gupta)
Judge

***Whether speaking/reasoned* : Yes/No**
***Whether reportable* : Yes/No**