**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

FAO No.5060 of 2002 (O&M)
Date of Decision: April 19, 2018.

Smt. Svita Behl and others

..........APPELLANT(s).

VERSUS

Reet Ram and others

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Partap Singh, Advocate
for the appellant (s).

Ms. Anamika Mehra, Advocate
for respondent No.4-insurance company.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'the tribunal') vide award dated 30.05.2002 allowed compensation of ₹17,80,816/- for death of M.K. Behl (later referred to as 'the deceased'), husband of appellant No.1, father of appellants No.2 and 3 and son of appellant No.4, in a motor vehicle accident with Truck bearing registration No.UP-85-D-9057.

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 was computed as follows:-

(i)	Name of the deceased	M.K. Behl
(ii)	Age of the deceased	49/50 years

(iii)	Income of the deceased (after deducting income tax)	₹20157 per month
(iv)	Deduction towards personal expenses 1/3rd	₹20157-6719=₹13438 p.m. i.e. ₹161256 p.a.
(v)	Multiplier applied 11	₹161256X11 = ₹1773816/-
(vi)	Transportation charges	₹2000
(vii)	Funeral expenses	₹5000
Total		₹17,80,816/-

Learned counsel for the appellants has argued that the deceased was 49/50 years of age and was employed as Senior Divisional Manager with Oriental Insurance Company, Agra. The tribunal has deducted 1/3rd of the income of deceased towards his personal expenses. As there are four dependants, keeping in view the ratio of law laid down in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121,*** 1/4th of the income of the deceased should have been deducted towards his personal expenses. The tribunal has applied multiplier of 11 while computing the amount of compensation on account of loss of dependancy, which as per the law laid down by Hon'ble Apex Court in ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra),*** is 13. The claimants are also entitled to addition of 30% in the income of the deceased towards future prospects and compensation under the conventional heads as per the observations of Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009***.

Learned counsel appearing for respondent-insurance company has not disputed the law settled by Hon'ble Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra)***and ***National Insurance Company Limited Vs. Pranay Sethi and others***

(supra) regarding grant of future prospects, compensation under conventional heads and application of multiplier while computing the amount of compensation for loss of dependency.

The deceased was 50 years of age and as per the law settled in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra),*** which has been affirmed in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra),*** the suitable multiplier while computing the amount of compensation for loss of dependency of claimants is 13. As the deceased had left behind four dependants, 1/4th of his income is to be deducted as his personal expenses. The deceased was a permanent employee, as such, the claimants are entitled to addition of 30% in the income of the deceased towards his future prospects. Keeping in view the fact that accident took place in the year 2000, the claimants are allowed a lump sum compensation of ₹40,000/- towards loss of consortium, loss of estate and funeral expenses.

In view 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 (after deducting income tax)	₹20157 per month
(ii)	30% of above (i) to be added as future prospects	(₹20157+₹6047)= ₹26204 per month
(iii)	Deduction of 1/4th towards personal expenses of the deceased	(₹26204-₹6551)= ₹19653 per month
(iv)	Compensation after multiplier of 13 is applied	(₹19653X12X13)= ₹3065868
(v)	Compensation under conventional heads i.e. loss of consortium, loss of estate, funeral expenses	₹40000
Total		₹31,05,868/-

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 ₹17,80,816/- to ₹31,05,868/- for death of M.K. Behl. 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 as follows:-

(1)	Smt. Svita Behl, widow	: 40%
(2)	Gagan Bahl, son	: 20%
(3)	Nimikahs Bahl, daughter and	: 20%
(4)	Smt. Krishna, mother of the deceased	: 20%.

Respondent No.4-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.

(SURINDER GUPTA)
JUDGE

April 19, 2018.
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No