

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.1160 of 2006 (O&M)
Date of Decision: April 02, 2018.

Smt. Omi Devi and another
.....APPELLANT(s).

VERSUS

Ramesh Kumar and others
.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Namit Sharma, Advocate
for the appellant (s).

Mr. Pardeep Goyal, Advocate
for respondent No.3-insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'the tribunal') vide award dated 01.12.2005 allowed compensation of ₹1,70,800/- for death of Anil Kumar, son of appellants No.1 and 2, in a motor vehicle accident with truck bearing registration No.HR-37B-9675.

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	Anil Kumar
(ii)	Age of the deceased	25 to 30 years
(iii)	Income of the deceased	₹2100 p.m.
(iv)	Deduction towards personal expenses	₹2100-1050=₹1050 p.m. i.e. ₹12600 per annum
(v)	Multiplier applied 13	₹12600X13 = ₹163800
(vi)	Funeral and last rites	₹7000
Total		₹1,70,800/-

Learned counsel for the appellants has sought enhancement of compensation on three grounds as per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009***. He has argued that deceased was between age group of 25 to 30 years, as such, the multiplier of 17 is attracted while computing the amount of compensation towards loss of dependency. The claimants are entitled to addition of 40% in the income of the deceased towards future prospects, who was a self employed person. They are also entitled to compensation under the conventional heads.

Learned counsel for respondent-insurance company, though could not rebut the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)*** but has argued that the accident in this case took place in the year 2004 and this fact be taken care while awarding compensation under the conventional heads as the Hon'ble Apex Court has directed the increase of amount of compensation by 10% after the expiry of 3 year, as such, it is also to be reduced on the same terms.

The law regarding the application of multiplier and grant of addition in the income of the deceased towards future prospects has since been settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***, as per which the appellants-claimants are entitled to 40% addition in the income of the deceased towards future prospects of the deceased and the multiplier attracted in this case is 17. Keeping in view the fact that accident had taken place 14 years back, the appellants-claimants are allowed a lump sum

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

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Income of the deceased	₹2100 per month
(ii)	40% of above (i) to be added as future prospects	(₹2100+₹840)= ₹2940 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹2940-₹1470)= ₹1470 per month
(iv)	Compensation after multiplier of 17 is applied	(₹1470X12X17)= ₹299880
(vi)	Loss of estate	₹10000
(vii)	Funeral expenses	₹10000
<i>Total</i>		₹3,19,880/-

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 ₹1,70,800/- to ₹3,19,880/- for death of Anil Kumar. 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 shared by the claimants in equal. Respondent No.3-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.

April 02, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No