IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2507 of 2007 (O&M)
Date of Decision:May 28, 2018

Bimla Devi and others ...Appellant

Versus

Sat Pal Singh and others ...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Rajesh Bansal, Advocate
for the appellant.

Mr.Vinod Gupta, Advocate
for respondent No.3 – Insurer.

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HARINDER SINGH SIDHU, J.

The claimants have filed the present appeal for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Jind (for short 'the Tribunal') vide its award dated 21.02.2007.

Brief facts as disclosed in the claim petition are that on 28.04.2005 in the area of Bankhandi Temple on Old Hansi road, Jind a vehicular accident took place involving Truck No.HR-61-3589 (herein for short 'the offending vehicle'), wherein, Naresh Kumar lost his life. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was also registered.

The Tribunal assessed the income of the deceased at Rs.3000/- per month, deducted 1/3rd towards his personal expenses, applied the multiplier of 13 (deceased aged 42 years). The loss of dependency was assessed at

Rs.3,12,000/-. Rs.10,000/- was awarded for last rites as well as loss of estate. Besides, Rs.4,32,000/- was awarded for medical expenses as the deceased remained under treatment for long before his death and the expenses were proved with documents on the record of the Tribunal. In all, compensation of Rs.7,54,000/- along with interest was awarded.

Feeling dissatisfied with the quantum of compensation, the claimants are before this Court.

It is argued on behalf of the claimants that the Tribunal has neither followed settled procedure while assessing the compensation nor the proper multiplier has been applied to assess the loss of dependency. It is further argued that no separate amounts have been awarded under conventional heads as per the settled law. Reliance has been placed upon **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 AIR(SC) 5157**

Having heard learned counsel for the parties and going through the paper-book as as per the decision of the Hon'ble Supreme Court in **Pranay Sethi's case** (supra), the compensation is re-assessed as under:-

Sr.No.	**Heads**	**Calculation (In Rs.)**
(i)	Monthly Income	3000/-
(ii)	25% of above (i) to be added as future prospects (deceased aged 42 yrs.)	3000+(3000x25/100) = 3750/-
(iii)	Monthly dependency (1/4rd of (ii) deducted as personal expenses of the deceased - six dependants)	3750-(3750x1/4)= 2812.50 per month
(iv)	Loss of dependency after multiplier of 14 is applied	2812.5x12x14= 4,72,500/-
(v)	Loss of Consortium (Exclusively payable to the widow of deceased)	40,000/-
(vi)	Loss of Estate	15,000/-
(vii)	Funeral Expenses	15,000/-

(viii)	Medical Expenses	4,32,000/-
	Total	***9,74,500/-***

Hence, the appeal is allowed. The Award of the Tribunal is modified to the extent that the appellants are held entitled to total compensation of Rs.9,74,500/-, that is, Rs.2,20,500/- (974500-754000) over and above the amount awarded by the Tribunal. Interest shall be paid on the enhanced amount at the rate of 7.5% per annum from the date of filing of claim application till realisation.

May 28, 2018 **(HARINDER SINGH SIDHU)**
gian **JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No