

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CM-5594-CII-2018 in/and
FAO No. 1943 of 2006 (O&M)
Date of Decision : 23.03.2018**

Mamta and others

....Appellants

Versus

Sujan Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amit Kumar, Advocate
for Mr. Harkesh Manuja, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent no. 3-Insurance Company.

Surinder Gupta, J.

CM-5594-CII-2018

This is application to prepone the appeal (FAO-1943-2006), which is lying admitted.

Learned counsel for respondent no. 3-Insurance Company has no objection if the appeal is taken up on board and heard today.

In view of submission of learned counsel for respondent no. 3-Insurance Company, instant application is allowed and the appeal (FAO-1943-2006) is taken up on board for final hearing today itself.

FAO-1943-2006

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Narnaul (later referred to as 'the Tribunal') for death of Pardeep Kumar (later referred to as 'the deceased'), in a motor vehicle accident on 16.12.2004 with Mahendra Max bearing registration no. HR-66T-0438 (later referred to as 'the offending vehicle').

2. As the only issue involved in this appeal is enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. The Tribunal vide award dated 07.03.2006 awarded compensation of ₹2,45,000/- to claimants-appellants, which was computed as follows:-

(i)	Name of the deceased	Pardeep Kumar
(ii)	Age of the deceased	40 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹2100
(iv)	1/3 rd of (iii) above deducted towards personal expenses	₹2100- ₹700) = ₹1400 per month
(v)	Compensation calculated after applying the multiplier of 14	(₹1400X12X14) = ₹235200
(vi)	Compensation towards last rites and loss of love and affection	₹10000
Total		₹245200

4. Learned counsel for appellants has argued that claimants are entitled to 25% addition in income of the deceased towards future prospects. Age of the deceased was taken as 40 years but the Tribunal has applied multiplier of 14 instead of 15 as per observations of Hon'ble Apex Court in case of **Sarla Verma and ors. vs. Delhi Transport Corporation and another, (2009) 6 SCC 121**, while calculating amount of dependency. The deceased has left behind five dependants and deduction towards his personal expenses could be made as 1/4th of his income instead of 1/3rd as applied by the Tribunal. Claimants are also entitled to compensation for the loss of consortium, loss of estate and funeral expenses as per law settled by Hon'ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009**.

cases has not been disputed by learned counsel for respondent no. 3-Insurance Company. The deceased has left behind five dependants and was 40 years of age. As per law settled by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, deduction of 1/4th from income of the deceased is to be made towards his personal expenses and the multiplier attracted is 15. Claimants are also entitled to 25% addition in income of the deceased towards future prospects and to a sum of ₹40,000/- under the conventional heads.

6. In view of my above discussion compensation, to which claimants-appellants are entitled, is computed as follows:-

(i)	Monthly income of the deceased as assessed by the Tribunal	₹2100 per month
(ii)	25% of (i) above added towards future prospects	(₹2100+ ₹525)= ₹2625 per month
(iii)	1/4 th of (ii) above deducted towards personal expenses	(₹2625- ₹656) = ₹1969 per month
(iv)	Compensation calculated after applying the multiplier of 15 in view of age of the deceased	(₹1969X12X15) = ₹354420
(v)	Compensation towards loss of consortium, loss of estate and funeral expenses	₹40000
Total		₹394420

7. As a sequel of my discussion above, the instant appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimants for death of Pardeep Kumar is enhanced from ₹2,45,200/- to ₹3,94,420/-. 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 instant appeal till actual realization. Respondent no. 3-Insurance Company being insurer of the offending vehicle will deposit the share of claimants in their bank accounts or pay the same through demand drafts. Claimants will share the enhanced

amount of compensation as per award.

8. In the event of demise of any of the claimants before or after disposal of this appeal, compensation of his/her share shall be paid to surviving claimants.

March 23, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No