

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2457 of 2008 (O&M)
Date of Decision : 30.11.2018

Kanwaljeet Kaur and others

....Appellants

Versus

Gurdeep Singh @ Hardeep Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Kotla, Advocate
for the appellants.

Mr. R.S. Mamli, Advocate
for respondents no. 1 and 2.

Mr. D.P. Gupta, Advocate
for respondent no. 3.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Fatehabad (later referred to as 'the Tribunal') for death of Manjit Singh (later referred to as 'the deceased'), in a motor vehicle accident on 24.10.2005 with bus bearing registration no. HR-39-1289 (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. Learned counsel for appellants has sought enhancement of compensation in this case 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** and learned counsel for respondent no. 3-Insurance Company has no objection if the compensation is awarded accordingly.

4. Learned counsel for respondents no. 1 and 2 has, however, opposed the grant of enhancement of amount of compensation but could not come up with any argument to deny the compensation as per law settled by Hon'ble Apex

Court in case of *Pranay Sethi (supra)*.

5. The deceased was 50 years of age and was employed as Agriculture Assistant in Punjab and Sind Bank, Fatehabad at the time of his death. His salary is duly proved. After deduction of income tax, the Tribunal has taken his salary as ₹17,187.50 ps. rounded off to ₹17,190/- per month. As per law settled by Hon’ble Apex Court in case of *Sarla Verma and ors. vs. Delhi Transport Corporation and another, (2009) 6 SCC 121*, the multiplier while computing amount of compensation is 13 and claimants are also entitled to 15% addition in come of the deceased towards future prospects. Under the conventional heads, claimants are also entitled to compensation of ₹70,000/- as allowed by Hon’ble Apex Court in case of *Pranay Sethi (supra)*.

6. In view of above, the compensation to which claimants are entitled is reassessed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Manjit Singh
(ii)	Age of the deceased	50 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹17190 per month
(iv)	15% of (iii) above added towards future prospects	(₹17190+ ₹2578)= ₹19768 per month
(v)	1/3 rd of (iv) above deducted towards personal expenses	(₹19768 - ₹6589) = ₹13179 per month
(vi)	Compensation calculated after applying the multiplier of 13 in view of age of mother of the deceased	(₹13179X12X13) = ₹2055924
(vii)	Compensation for loss of estate	₹15000
(viii)	Compensation for funeral expenses	₹15000
(ix)	Compensation for loss of consortium	₹40000
<i>Total</i>		₹2125924 (rounded off to ₹2125950)

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 Manjit Singh is enhanced from ₹12,73,700/- to ₹21,25,950/-. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of instant appeal till actual realization.

8. Insurer of the offending vehicle has filed separate appeal (FAO-981-2008), claiming recovery rights against owner and driver of the offending vehicle. The liability to pay amount of compensation by the insurer of the offending vehicle will be as per award subject to right of insurer to be determined in FAO-981-2008, wherein it has claimed recovery rights against owner of the offending vehicle.

9. In the event of demise of any of the claimants before or after passing of this order, compensation of his/her share shall be paid to surviving claimants.

November 30, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No