

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

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**FAO No. 2515 of 2008 (O&M)
Date of decision: 21.02.2018**

Santro Devi and Another

..Appellants

Vs.

Sachin Kumar and Others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Joginder Kharab, Advocate for
Mr. Vishal Yadav, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate
for Mr. Ravinder Arora, Advocate
for respondent No. 3.

HARI PAL VERMA, J.(ORAL)

Appellants-claimants have filed the present appeal seeking enhancement of compensation over and above the amount awarded by learned Motor Accident Claims Tribunal, Panipat (for short “the Tribunal”) vide award dated 14.09.2007.

The appellants-claimants had filed a claim-petition under Section 166/140 of the Motor Vehicles Act, 1988, for grant of compensation on account of death of their son Vikram, who died in a motor vehicular accident, which took place on 14.09.2006. The Tribunal awarded a total compensation of ₹ 3,38,000/-.

The accident and liability are not in dispute and the only point

on which the present appeal has been filed is qua the quantum of compensation awardable to the claimants.

Learned counsel for the appellants has argued that at the time of accident, the deceased Vikram was 22 years of age. His monthly income was assessed as ₹3,000/- per month. The Tribunal has applied a wrong multiplier and as per the judgment of Hon'ble Apex Court in **National Insurance Company Limited Versus Pranay Sethi and Others, 2017 (4) R.C.R. (Civil) 1009**, the Tribunal should have applied the multiplier of 18 considering the age of deceased-Vikram and not of the parents. He has further argued that the claimants are also entitled enhancement under the head of future prospects and under conventional heads.

Learned counsel for respondent No. 3-Insurance Company has argued that it being an accident which took place in the year 2006, the Tribunal has awarded adequate compensation and the multiplier has rightly been applied, with no further scope of any enhancement.

Having heard learned counsel for the parties, this Court finds that the impugned award needs to be modified in the light of judgment rendered in **Pranay Sethi's case** (supra). The deceased was 22 years of age at the time of accident and, therefore, taking his income as ₹ 3,000/- per month and by applying 40% future prospectus, his income is assessed as ₹4,200/- per month which comes annually as ₹ 50,400/-. By applying ½ deduction, as held by the Hon'ble Supreme Court in **Sarla Verma Versus Delhi Transport Corporation and another-2009 (6) SCC 121**, the annual dependency comes to ₹ 25,200/- and also allowing him compensation under the conventional heads, this Court finds that the claimants are entitled compensation in the following manner:-

Heads		Calculation
Monthly income		₹3,000.00
Future prospects (% age)	40	₹1,200.00
Total monthly income (Monthly income + Future Prospects)		₹ 4,200.00
Annual Income (Total monthly income x 12)		₹ 50,400.00
Annual income		₹50,400.00
Deduction toward personal expenses of deceased (½, 1/3, ¼ , 1/5 or 1/6)	½	
Annual dependency		₹25,200.00
Multiplier (Annual dependency x multiplier)	18	
Total Loss of dependency		₹4,53,600.00
Conventional heads:		
Loss of Estate :		₹15,000.00
Funeral expenses		₹15,000.00
Total amount of compensation		₹4,83,600.00
Amount already awarded		₹ 3,38,000.00
Total enhancement		₹ 1,45,600.00

In view of the above, present appeal is allowed and impugned award is modified for the amount indicated above. The enhanced compensation shall carry interest @ 7.5% per annum from the date of filing of the claim-petition till its realization.

(HARI PAL VERMA)
JUDGE

February 21, 2018
Poonam (II)

Whether speaking/reasoned:
Whether reportable

Yes/No
Yes/No