

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

FAO No.4347 of 2009
Date of Decision:25.05.2018
...Appellants

Santosh Devi and others

Versus

Kuldeep Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Parminder Singh, Advocate for the appellants.
Mr.R.K.Bashamboo, Advocate for Insurance Co.

ANIL KSHETARPAL, J. (ORAL)

The claimants-appellants are in the appeal, praying for enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal ('the Tribunal' for short).

Dharam Pal-sole bread earner of the family, died in a motor vehicular accident, leaving behind widow and two children. The learned Tribunal assessed the monthly income of the deceased at Rs.3600/- per month and worked out dependency at 2/3rd of the income assessed after imposing a cut of 1/3rd. The deceased was 52 years old at the time of accident.

Learned counsel for the appellants submits that the multiplier applied is 10, whereas it should have been 11, as per the judgment of **Sarla Verma & others Vs. Delhi Transport Corporation & others, 2009 (3) RCR (Civil) 77**. Learned counsel for the appellants further submits that the learned Tribunal has not added any amount on account of increase of income on account of future prospects. He also submits that under conventional heads, i.e. loss of consortium, funeral expenses and loss of estate, the learned Tribunal has only awarded a sum of Rs.20,000/- whereas it should have been awarded Rs.70,000/- as per the judgment passed by the

Constitution Bench in the case of *National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017(10) SC 450.*

On the other hand, learned counsel for the respondent-Insurance Company has submitted that the accident took place on 18.2.2007 and, therefore, the assessment of the compensation is to be commensurate thereto.

This Court has heard the submissions and found that the submissions of the learned counsel for the appellants to be more plausible as the date of accident is not that old as is being submitted by learned counsel for the respondent. The accident took place in the year 2007.

Keeping in view the aforesaid facts and respectfully following the judgments passed by Hon'ble Supreme Court referred to hereinabove, the compensation payable is reworked as under:-

Heads	Awarded by the Motor Accident Claims Tribunal	Awarded by the High Court
Income Assessed	Rs.3600/- per month	Rs.3600/-
Future prospects	NIL	Rs.3960/- (3600+(3600x10%)
Deduction	(-) 1/3 rd (Rs.1200) =Rs.2400/-	(-) 1/3 rd i.e. Rs.1320 =Rs.2640/-
Annual Dependency	Rs.2400x12=28,800/-	Rs.2640x12=31680/-
Multiplier	Rs.28,800x10=2,88,000/-	Rs.31,680x11=3,48,480/-
Loss of Consortium	Rs.5000/-	Rs.40,000/-
Loss of Estate	NIL	Rs.15,000/-
Funeral Expenses/Last Rites	15,000/-	Rs.15,000/-
Total	Rs.3,08,000/-	Rs.4,18,480/-
Enhanced compensation		Rs.4,18,480-Rs.3,08,000=1,10,480/-

In view of the above, the appeal is allowed. The amount of enhanced compensation as worked out in the table above shall be payable along with interest at the rate of 7.5% p.a. from the date of the accident till the date of realisation.

25.05.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No