

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3170 of 2010 (O&M)
Date of Decision : 18.04.2018

Rano and anotherAppellants

Versus

Kirpal Singh @ Libra and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vivek Suri, Advocate
for the appellants.

None for respondents no. 1 and 2.

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

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Patiala (later referred to as ‘the Tribunal’) for death of Rafiq Khan (later referred to as ‘the deceased’), in a motor vehicle accident on 24.07.2007 with truck bearing registration no. PB-13-R-7994 (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 31.08.2009 awarded compensation of ₹3,44,500/- to claimants-appellants, which was computed as follows:-

(i)	Name of the deceased	Rafiq Khan
(ii)	Age of the deceased	21 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹3800
(iv)	½ of (iii) above deducted towards personal expenses	₹3800- ₹1900) = ₹1900 per month

(v)	Compensation calculated after applying the multiplier of 15	(₹1900X12X15) = ₹342000
(vi)	Compensation for funeral expenses	₹2500
Total		₹344500

4. Learned counsel for appellants has confined his submission for enhancement of compensation as awarded by the Tribunal on three counts:-

- (i) That the deceased was 21 years of age, as such, claimants are entitled to 40% addition in income of the deceased towards future prospects;
- (ii) that the Tribunal has applied multiplier of 15 while computing amount of compensation for loss of dependency while 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**, multiplier is to be applied as per age of the deceased; and
- (iii) that claimants are also entitled to compensation for loss of estate and funeral expenses as per law laid down by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***.

5. Learned counsel for respondent no. 3 has not disputed the law settled by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***.

6. The deceased was 21 years of age. The Tribunal while computing amount of compensation has applied multiplier as per age of claimants. In ***Pranay Sethi's case (supra)*** Hon'ble Apex Court has observed that multiplier is to be applied as per age of the deceased, which keeping in view age of the deceased in this case is 18 and not 15 as applied by the Tribunal. Claimants are also entitled to 40% addition in income of the deceased towards future prospects. The accident took place in the year 2007 and keeping in view the price index prevailing in that year, lump sum compensation of ₹20,000/- is allowed towards loss of estate and funeral

7. 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	₹3800 per month
(ii)	40% of (i) above added towards future prospects	(₹3800+ ₹1520)= ₹5320 per month
(iii)	½ of (ii) above deducted towards personal expenses	(₹5320- ₹2660) = ₹2660 per month
(iv)	Compensation calculated after applying the multiplier of 18 in view of age of the deceased	(₹2660X12X18) = ₹574560
(v)	Compensation towards loss of estate and funeral expenses	₹20000
Total		₹594560 (rounded off to ₹594600)

8. 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 **Rafiq Khan** is enhanced from **₹3,44,500/-** to **₹5,94,600/-**. 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.

9. 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.

April 18, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No