IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 4490 of 2011 (O&M)
Date of Decision : 04.04.2018

Lachhman Singh and another ....Appellants

Versus

Sabha Pati Pashwan and others .....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kartar Singh Malik-I, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent no. 2-Insurance Company.

<u>Surinder Gupta, J.</u>

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Rohtak (later referred to as 'the Tribunal') for death of Rajpal Singh (later referred to as 'the deceased'), in a motor vehicle accident on 25.04.2008 with truck bearing registration no. WB-73B-1311 (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 11.05.2011 awarded compensation of ₹2,07,000/- to claimants-appellants, which was computed as follows:-

(i)	Name of the deceased	Rajpal Singh
(ii)	Age of the deceased	30 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹4000
(iv)	½ of (iii) above deducted towards personal expenses	₹4000- ₹2000) = ₹2000 per month

(v)	Compensation calculated after applying the multiplier of 8 as per age of the mother	(₹2000X12X8) = ₹192000
(vi)	Compensation for transportation and last rites	₹15000
Total		**₹207000**

4. Learned counsel for appellants has confined his submission for enhancement of compensation awarded to the claimants on three counts. He has argued that 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***, claimants are entitled to addition of 40% in income of the deceased towards future prospects. As per age of the deceased, multiplier, which is attracted while computing amount of compensation for loss of dependency, is 17, while the Tribunal has applied the same as 8 as per age of mother of the deceased. Claimants are also entitled to compensation for loss of estate, which has not been awarded by the Tribunal.

5. Learned counsel for respondent no. 2-Insurance Company has not disputed the law as settled by Hon'ble Apex Court in case of ***Pranay Sethi (supra)*** as per which claimants are entitled to 40% addition in income of the deceased towards future prospects as the deceased, who was driver by profession, was 30 years of age at the time accident and his death. The amount of compensation for loss of dependency 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*** is to be computed by applying multiplier of 17. The accident had taken place in the year 2008 and keeping in view this fact claimants are also entitled to compensation of ₹10,000/- towards loss of estate.

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	₹4000 per month
(ii)	40% of (i) above added towards future prospects	(₹4000+ ₹1600)= ₹5600 per month
(iii)	½ of (ii) above deducted towards personal expenses	(₹5600- ₹2800) = ₹2800 per month
(iv)	Compensation calculated after applying the multiplier of 17 in view of age of the deceased	(₹2800X12X17) = ₹571200
(v)	Compensation towards loss of estate	₹10000
(vi)	Compensation towards transportation and list rites as awarded by the Tribunal	₹15000
Total		**₹596200**

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 Rajpal Singh is enhanced from ₹2,07,000/- to ₹5,96,200/-. 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. 2-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.

April 04, 2018 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*