

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

FAO No.6794 of 2011 (O&M)

Date of Decision: May 24, 2018

Neena Chopra and others

...Appellants

Versus

Ramesh Kumar and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.S.K.Chaudhary, Advocate
for the claimants - appellants.

Ms.Sanya Sapra, Advocate
for Mr.Ashwani Talwar, Advocate
for respondent No.3– Insurer.

HARINDER SINGH SIDHU, J.

The claimants have filed the present appeal for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Gurdaspur (for short 'the Tribunal') vide its award dated 04.04.2011.

Brief facts as disclosed in the claim petition are that on 31.08.2009 in the area of Police Station Dinanagar a vehicular accident took place involving Truck No.PB-02AM-9617 (herein for short 'the offending vehicle'), wherein, Puneet Chopra lost his life. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was also registered.

On a claim petition having been filed by the legal representatives of the deceased Puneet Chopra, the Tribunal assessed the income of the

deceased at Rs.6000/- per month, deducted 1/2 towards his personal expenses, applied the multiplier of 11. The loss of dependency was assessed at Rs.3,96,000/-. A sum of Rs.2000/- as 'funeral expenses' was also awarded. In all, compensation of Rs.3,98,000/- along with interest was awarded.

Feeling dissatisfied with the quantum of compensation, the claimants are before this Court.

It is argued on behalf of the claimants that the Tribunal has neither followed settled procedure while assessing the compensation nor the proper multiplier has been applied to assess the loss of dependency. Learned counsel for the claimants states that the deceased was a student of B.E./B.tech, aged 18 years, and accordingly, a multiplier of 18 was required to have been applied on his notional income. It is further argued that no separate amounts have been awarded under different conventional heads as per the settled law.

Having heard learned counsel for the parties and going through the paper-book as also the decision of the Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and others**, 2017 AIR(SC) 5157 the compensation is re-assessed as under:-

Sr.No.	Heads	Calculation (In Rs.)
(i)	Monthly Income	6000/-
(ii)	40% of above (i) to be added as future prospects (deceased aged 18 yrs.)	6000+(6000x40/100)= 8400/-
(iii)	Dependency (1/2 of (ii) deducted as personal expenses of the deceased – a bachelor)	8400-(8400x1/2)= 4200/- per month
(iv)	Compensation after multiplier of 18 is applied	4200x12x18= 9,07,200/-
(v)	Loss of Estate	Rs.15,000/-

(vi)	Funeral Expenses	Rs.15,000/-
	Total	Rs.9,37,200/-

Hence, the appeal is allowed. The Award of the Tribunal is modified to the extent that the appellant is held entitled to total compensation of 9,37,200/-, that is, Rs.5,39,200/- (937200-398000) over and above the amount awarded by the Tribunal. Interest shall be paid on the enhanced amount at the rate of 7.5% per annum from the date of filing of claim application till realisation.

May 24, 2018

(**HARINDER SINGH SIDHU**)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No