IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6825 of 2011
Date of Decision: 05.07.2018

Maya Devi and another ......Appellants
Vs
Virender and others .....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. A.K. Yadav, Advocate
for the appellants.

Mr. R.C. Gupta, Advocate
for respondent No.3.

****

RAJ MOHAN SINGH, J. (Oral)

[1]. Appellants have preferred this appeal against the inadequacy of award of compensation awarded by Motor Accident Claims Tribunal, Narnaul vide order dated 22.07.2011, whereby award of Rs.4 lacs was awarded in respect of death of Sunil Kumar in a vehicular accident.

[2]. The accident took place on 01.08.2010, when Sunil Kumar was going to his village on his motorcycle. At about 10 PM, when Sunil Kumar reached near District Jail, Nasibpur, offending truck along with trolley was going ahead of Sunil Kumar in a rash and negligent manner and driver of the truck suddenly applied the brake without giving any signal and

because of that, motorcycle of the deceased hit the trolley, resulting in accident. FIR was registered against the driver of the truck.

[3]. The Tribunal found the age of the deceased to be 22 years at the time of accident. He was a diploma holder in computer. His income was assessed to be Rs.5000/- per month i.e. Rs.60,000/- per year. Deduction to the tune of 50% was calculated towards personal expenses and after applying multiplier of 13, the amount was assessed as Rs.3,90,000/. An amount of Rs.10,000/- was also awarded towards transportation and last rites. In this way, an amount of Rs.4 lacs was awarded by the Tribunal along with interest @ 6 % per annum from the date of filing of the claim petition till final realization of the amount.

[4]. I have considered the arguments made by learned counsel for the parties.

[5]. In view of ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 SCC 1270,*** future prospects to the tune of 40% have to be awarded keeping in view the age of the deceased. If the future prospects to the tune of 40% i.e. Rs.2000/- (5000 x 40/100=2000) is added to the monthly income of the deceased, the same would come out to be Rs.7000/- (5000+2000=7000) i.e. Rs.84,000/- per annum.

The deceased was unmarried, therefore, deduction to the tune of 50% has to be applied towards personal expenses of the deceased. In this way, annual dependency of the claimants would come out to be Rs.42,000/-. Keeping in view the age of the deceased and in view of ratio laid down in ***Smt. Sarla Verma Vs. Delhi Transport Corporation and another, 2009(3) Punjab Law Reporter 22,*** multiplier of 18 has to be applied and after applying multiplier of 18, the calculations would come out to be Rs.7,56,000/-, to which an amount of Rs.30,000/- has to be added towards conventional heads as there cannot be any loss of consortium. In this way total compensation would come out to be Rs.7,86,000/- (7,56,000+30,000=7,86,000). An amount of Rs.4 lacs has already been awarded by the Tribunal, therefore, resultant enhanced compensation payable to the claimants would come out to be Rs.3,86,000/- (7,86,000-4,00,000=3,86,000) along with interest @ 7.5 % per annum from the date of filing of the claim petition till final realization of the amount.

[6]. With the aforesaid modification, the present appeal stands disposed of.

July 05, 2018 **(RAJ MOHAN SINGH)**

Prince **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No