IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3989 of 2012 (O&M)
Date of Decision: April 16, 2018

Ghansham Dass ...Appellant

Versus

Hanuman Parshad and others ...Respondents

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

Present: Mr.Jitender S.Chahal, Advocate
for the appellant.

Mr.Vinod Gupta, Advocate
for respondent – Insurer.

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HARINDER SINGH SIDHU, J.

The claimants have filed the present appeal for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Chandigarh (for short 'the Tribunal') vide its award dated 08.02.2012.

Brief facts as disclosed in the claim petition are that on 05.12.2006 in the area of Tribune Chowk, Chandigarh a vehicular accident took place involving a Qualis car bearing registration No.CH-03-D-1913 (herein for short 'the offending vehicle'), wherein, Rakesh Kumar, a bachelor, 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.

The Tribunal assessed the income of the deceased at Rs.3200/- per month, deducted 1/2 towards his personal expenses, applied the multiplier of

13 (tribunal applied multiplier taking into account the age of the claimant, who is father of the deceased aged about 46 years). The loss of dependency was assessed at Rs.2,49,600/- (1600x12x13). Besides, sum of Rs.5000/- towards 'loss of estate' and Rs.5000/- as 'funeral expenses' were also awarded. In all, compensation of Rs.2,59,600/- along with interest was awarded.

Feeling dissatisfied with the quantum of compensation, the claimant is before this Court.

It is argued on behalf of the claimants-appellants that while assessing loss of income, the Tribunal has applied the multiplier of 13 taking note of the age of the claimant, who is father of the deceased, whereas, as per the settled law, the multiplier should have been applied according to the age of the deceased. No future prospects have been granted. Compensation under conventional heads is also not as per the settled law.

Having heard learned counsel for the parties and in the light of 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	3200/-
(ii)	40% of above (i) to be added as future prospects (deceased aged 22 yrs.)	3200+(3200x40/100) = 4480/-
(iii)	Monthly dependency (1/2 of (ii) deducted as personal expenses of the deceased-bachelor)	4480-(4480x1/2)= 2240/- per month
(iv)	Loss of dependency after multiplier of 18 is applied (deceased aged 22 years)	2240x12x18= 4,83,840/-
(vi)	Loss of Estate	Rs.15,000/-
(vii)	Funeral Expenses	Rs.15,000/-

	Total	*Rs.5,13,840/-*

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 Rs.5,13,840/- that is, Rs.2,54,240/- (513840-259600) 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.

April 16, 2018 **(HARINDER SINGH SIDHU)**
gian **JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No