IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO No.2297 of 2013 (O&M)
Date of Decision:27.02.2018

Smt. Gurmit Kaur and another .....Appellants

Vs.

Surinder Mohan Sharma and others .....Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Vivek Sharma Vashisht, Advocate
for the appellants.

Mr. Amrinder Singh Sidhu, Advocate
for respondent No.3.

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RAMENDRA JAIN, J. (Oral)

The claimants have filed the instant appeal for enhancement of compensation, modifying the impugned award dated 19.07.2012 of the Motor Accident Claims Tribunal, Ludhiana (for short, `the Tribunal').

In a claim petition filed under Section 166 of the Motor Vehicle Act filed by the appellants- claimant against the death of Amrik Singh, the learned Tribunal awarded compensation of ₹3,44,000/- along with interest @ 7.5% from the date of filing of the petition till realisation to the claimants- appellant No.1 and respondent No.5 only, rejecting the claim of appellant No.2, respondents No.4, 6 and 7.

Learned counsel for the appellants submits that the learned Tribunal has not granted compensation towards future prospects and also under the conventional heads i.e. loss of consortium, loss of estate and funeral expenses.

Learned counsel for the Insurance Company has vehemently opposed the submission of the learned counsel for the appellants.

The age of the deceased- Amrik Singh at the time of accidental death as 58 years according to post mortem report is not disputed. According to **National Insurance Co. Ltd. v. Pranay Sethi and others**, 2017(4) RCR (Civil) 1009, since the deceased was in between 55 to 60 of age at the time of his death, therefore, 10% has to be added to his monthly income i.e. ₹4,500/- arrived at by the Tribunal towards future prospects. On adding the same, the amount comes to ₹4,950/- out of which after deducting one-third towards personal expenses of the deceased and monthly dependancy of the claimants upon deceased comes to ₹3,300/-, annually ₹39,600/-.

Keeping in view the above age of the deceased, the learned Tribunal has applied the multiplier of 9 and, thereafter, after applying the same, the compensation payable to the claimants comes to ₹3,56,400/-. That apart, the claimants are also entitled for ₹70,000/- under conventional heads i.e. ₹15,000/- for loss of estate, ₹40,000/- for loss of consortium and ₹15,000/- for funeral expenses. Adding the same, total amount comes to ₹4,26,400/-. The learned Tribunal has awarded ₹10,000/- to the claimants towards medical treatment of the deceased and, therefore, adding the same, the total amount payable to the claimants comes to ₹4,36,400/-.

Admittedly an amount of ₹3,44,000/- along with proportionate interest has already been paid to the appellants. Therefore, the balance amount payable is ₹92,400/-. The impugned award is modified accordingly.

The amount of ₹92,400/- shall be deposited by the Insurance

Company along with proportionate interest @ 7.5% from the date of filing of the claim petition till its realisation before the learned Tribunal within one month from today and the same shall be disbursed to the appellant-claimants in the ratio arrived at by the learned Tribunal in accordance with law against proper receipt and identification.

The appeal is disposed of accordingly.

February 27, 2018 **(RAMENDRA JAIN)**
renu **JUDGE**

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No