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

**FAO No. 2982 of 2013
Date of decision:-04.05.2018**

Beena and others

---Appellants.

Versus

Kulwant Singh and others

---Respondents.

***CORAM: HON'BLE Mr. JUSTICE AVNEESH JHINGAN***

Present:- Mr. R. S. Mamli, Advocate,
for the appellants.

Mr. R. S. Sharma, Advocate,
for the respondents.

***AVNEESH JHINGAN J. (Oral)***

The present appeal arises from the award dated 10.04.2013 passed by Motor Accident Claims Tribunal, Ludhiana (for short 'the Tribunal') in MAC No.138 of 29.10.2010. The widow and two minor children of Mahesh Kumar are in appeal being aggrieved on quantum of compensation awarded by the Tribunal.

On 17.09.2010, a motor vehicular accident took place, Mahesh Kumar, aged 30 years along with others including Net Ram, Harish Kumar and Sonu was traveling in a tractor trolley. They were going to immerse the idol of Shri Ganesh Ji. At about 4.30 p.m., near Laddowal chow, a truck bearing registration No.PB-13-R-5727 (for short 'the offending vehicle') struck the tractor trolley from behind. As a result of the impact, Mahesh Kumar suffered injuries and he succumbed to injuries on the same date.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short ' the Act') was filed by the legal heirs of the deceased.

The Tribunal held that accident occurred due to rash and negligent driving of the offending vehicle. Monthly income of the deceased has assessed by the Tribunal as Rs.3,000/-. One-third deductions for self expenses of the deceased were made. Since the deceased was 30 years of age, a multiplier of 16 was applied. The Tribunal awarded compensation of Rs.3,95,000/- along with interest at the rate of 9% per annum to the claimant. The said amount included Rs.95,00/- towards conventional heads.

The present appeal has been filed for enhancement of compensation.

In the present case, parties have not disputed the income of the deceased as assessed by the Tribunal. The issues raised by the Learned Counsel for the appellants, are that no future prospects have been added and the amounts awarded towards conventional heads are on the lower side.

The said contentions raised by the learned counsel for the appellants deserve acceptance. Reliance in this regard is placed upon the decisions of the Supreme Court in case of ***National Insurance Company Ltd. Versus Pranay Sethi and others 2017 AIR SC 5157*** and ***Sarla Verma and others Vs. Delhi Transport Corporation and Another. (2009) 6 SCC 121,*** 40% future prospects are to be added and the appellants would be entitled to Rs.70,000/- under the conventional heads.

For the reasons mentioned above, the compensation is recalculated as under:-

| ***Sr. No.*** | ***Heads*** | ***Calculations*** |
|---|---|---|
| (i) | Salary | ₹ 3,000/- per month |
| (ii) | 40% added towards future prospects | ₹ 3000+1,200=4,200/- per month |
| (iii) | 1/3rd deduction towards self expenses of the deceased | ₹ 4,200-1,400=2,800/- per month |
| (iv) | Multiplier of 16 applied | ₹ 2,800X12X16= 5,37,600/- |
| (v) | Loss of estate | ₹15,000/- |
| (vi) | Funeral expenses | ₹15,000/- |
| (vii) | Loss of consortium | ₹40,000/- |

| ***Sr. No.*** | ***Heads*** | ***Calculations*** |
|---|---|---|
| | **Total Compensation Awarded (iv)+(v)+(vi)+(vii)** | **₹ 6,07,600/-** |

The award dated 10.04.2013 passed in MAC No. 138 of 29.10.2010 is modified to the extent that the amount awarded of ₹3,93,500/- is enhanced to ₹ 6,07,600/-.

The appellants/claimants would be entitled to interest at the rate of 6% per annum on the enhanced amount from the date of filing of the claim petition till realization of the amount.

Accordingly, the present appeal is partly allowed to the above extent.

**04.05.2018** **(AVNEESH JHINGAN)**
Riya Grover **JUDGE**

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