

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.1554 of 2014 (O&M)
Date of Decision: February 28, 2018.

Parveen Kumar and another
.....APPELLANT(s).

VERSUS

Balbir Singh and others
.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ramneek Vasudeva, Advocate
for the appellant (s).

Mr. Vinod Gupta, Advocate
for respondent No.3-insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'the tribunal') vide award dated 07.12.2013 allowed compensation of ₹8,50,000/- for death of Mohit Rana, son of appellants, in a motor vehicle accident with Tralla/Truck bearing registration No.PB-03N-9888.

As the only issue involved in this appeal relates to quantum of compensation as awarded by Tribunal, detailed facts of the case are being skipped for the sake of brevity.

The compensation awarded by the tribunal was computed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Mohit Rana

(ii)	Age of the deceased	22 years
(iii)	Income of the deceased	₹10000 p.m.=₹120000 p.a.
(iv)	Deduction towards personal expenses	₹120000-60000=₹60000 p.a.
(v)	Multiplier applied 14	₹60000X14 = ₹840000/-
(vi)	Funeral and transportation expenses	₹10000
<i>Total</i>		₹8,50,000/-

Learned counsel for the appellants has argued that the deceased was 22 years of age and was a student of mechanical engineering 5th semester, having bright future and prospects. The claimants have examined Tarandeep Singh, Head of the Department of Computer Science and Engineering at Cambridge College of Engineering, Fatehgarh Sahib, who has stated that after engineering, deceased would have got job at the salary package of ₹4 lakh to ₹8 lakh per annum. The tribunal has assessed the income of the deceased as ₹10,000/- per month, which is on lower side. As per the law settled by Hon'ble Apex Court in case of *National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009*, claimants are entitled to addition of 40% in the income of the deceased towards future prospects and the multiplier applicable in this case while computing amount of compensation is to be applied as per the age of the deceased and not as per the age of claimant.

Learned counsel for respondent-insurance company has argued that the deceased was unemployed at the time of accident and the tribunal has assessed his income as ₹10,000/- keeping in view the price index prevailing in the year 2012, which is a reasonable amount of compensation and call for no enhancement. He, however, could not rebut the submission of learned counsel for the appellant regarding grant of future prospects and

multiplier as per observations of Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others*** (supra).

In case of ***Ashvinbhai Jayantilal Modi Vs. Ramkaran Ramchandra Sharma and another 2014 (4) RCR (Civil) 543***, Hon'ble Apex Court has taken notional income of a student of medicines, who died in accident, as ₹25,000/- per month. In this case, the deceased was admittedly a student of 5th semester of Mechanical Engineering and had a bright future before him. Keeping in view the above facts and evidence on record, though income of a student of Mechanical Engineer cannot be equated with medical student but keeping in view the fact that deceased was student of professional college and had a bright future ahead, his income is taken as ₹15,000/- per month. The claimants are also entitled to 40% addition in the income of the deceased and multiplier attracted in this case as per age of the deceased and not as per age of the claimants. The deceased was 22 years of age at the time of accident, as such, multiplier attracted in this case is 18.

In view of the above discussion, the compensation to which the claimants are entitled, is reassessed as follows:-

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Income of the deceased	₹15000 per month
(ii)	40% of above (i) to be added as future prospects	(₹15000+₹6000)= ₹21000 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹21000-₹10500)= ₹10500 per month
(iv)	Compensation after multiplier of 18 is applied	(₹10500X12X18)= ₹2268000
(v)	Loss of estate	₹15000
(vi)	Funeral expenses	₹15000
<i>Total</i>		₹22,98,000/-

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹8,50,000/- to ₹22,98,000/- for death of their son Mohit Rana. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants as per the award. Respondent No.3-insurance company will deposit the shares of appellants-claimants in their bank accounts or pay the same through demand drafts. The claimants shall also be entitled to costs of this appeal. In case of demise of any of above claimant(s), his/her share of compensation shall be given to other surviving claimant.

February 28, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No