

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 1687 of 2014 (O&M)
Date of Decision : 07.03.2018

Rajwinder Kaur and others

.....Appellants

Versus

Mandeep Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Lalli, Advocate
for the appellants.

Mr. Shashant Sharma, Advocate
for Mr. Arun Luthra, Advocate
for respondent no. 2.

Mr. Madan Kumar Bhandari, Advocate
for Mr. N.K. Manchanda, Advocate and
Mr. Vinod Gupta, Advocate
for respondent no. 3.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Chandigarh (later referred to as 'the Tribunal') for death of Avtar Singh (later referred to as 'the deceased'), in a motor vehicle accident on 29.04.2009 with truck tipper bearing registration no. PB-02-AT-9475 (later referred to as 'the offending vehicle').

2. As the only issue involved in this appeal is enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. The Tribunal vide award dated 06.12.2012 awarded compensation of ₹7,42,340/- to claimants-appellants, which was computed

as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Avtar Singh
(ii)	Age of the deceased	37 years
(iii)	Monthly income of the deceased	₹5350
(iv)	1/4 th of (iii) above deducted towards personal expenses	₹5350- ₹1337) = ₹4013 per month
(v)	Compensation calculated after applying the multiplier of 15 in view of age the deceased	(₹4013X12X15) = ₹722340
(vi)	Loss of estate	₹5000
(vii)	Funeral expenses	₹10000
(viii)	Loss of consortium	₹5000
<i>Total</i>		₹742340

4. Learned counsel for appellants has sought enhancement of compensation as per law settled by Hon'ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009**. He has argued that claimants-appellants are entitled to 40% addition in income of the deceased towards future prospects as deceased was 37 years of age at the time of his death. They are also entitled to compensation of ₹70,000/- on conventional heads but the Tribunal has allowed compensation of ₹20,000/- only on this score.

5. Learned counsel for respondent no. 3-Insurance Company could not contest the submissions of learned counsel for appellants seeking enhancement of compensation as per law laid down by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***.

6. Keeping in view age of the deceased at the time of accident, claimants-appellants are entitled to 40% addition in income of the deceased towards future prospects. Keeping in view the fact that accident had taken place in the year 2009, claimants-appellants are allowed compensation of

₹50,000/- towards loss of consortium, loss of estate and funeral expenses.

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

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Avtar Singh
(ii)	Age of the deceased	37 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹5350 per month
(iv)	40% of (iii) above added towards future prospects	(₹5350+ ₹2140)= ₹7490/- per month
(v)	1/4 th of (iv) above deducted towards personal expenses	(₹7490- ₹1872) = ₹5618 per month
(vi)	Compensation calculated after applying the multiplier of 15 in view of age of the deceased	(₹5618X12X15) = ₹1011240
(vii)	Compensation for loss of consortium, loss of estate and funeral expenses	₹50000
Total		₹1061240 (rounded off to ₹1061300)

8. As a sequel of my discussion above, the instant appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimants for death of Avtar Singh is enhanced from ₹7,42,340/- to ₹10,61,300/-. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of instant appeal till actual realization. Respondents no. 3 being insurer of the offending vehicle will deposit the share of claimants in their bank accounts or pay the same through demand drafts. Claimants will share the amount of compensation as follows:-

- (i)

Appellant no. 1 (wife)

:

40%
- (ii)

Appellants no. 2 to 4 (children)

:

15% each
- (iii)

Appellants no. 5 (mother)

:

15%

9. In the event of demise of any of the claimants before or after disposal of this appeal, compensation of his/her share shall be paid to surviving claimants.

March 07, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No