IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

221 FAO-1122-2015 (O&M)
Date of decision: 18.09.2018

KANIJA BEGUM & ORS ... Appellants

Versus

VIVEK GUPTA & ANR ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Akash Sridhar, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No.1.

Mr. R.C. Gupta, Advocate for the insurance company.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Gulsher Khan in a motor vehicular accident that took place on 05.08.2013.

The Tribunal has awarded compensation of Rs.26,59,675/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.24,071/-
2. Addition in income for future prospects	50%
3. Multiplier	13
4. Annual income	Rs.3,89,951/-
5. Deduction for personal expenses	50%
6. Loss of dependency	Rs.25,34,675/-
7. Expenses on funeral	Rs.25,000/-
8. Loss of love and affection	Rs.1,00,000/-

The sole submission made by counsel for the appellants is that as the deceased was less than 26 years of age, appropriate multiplier in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** should be 18.

Counsel representing the insurance company would submit that compensation under conventional heads is liable to be restricted to

Rs.30,000/- in the light of judgment of Honble the Supreme Court **Pranay Sethi and others's case (supra)**.

The deceased was getting monthly salary of Rs.24,071/- and annual salary of Rs.2,88,852/-. After deducting liability to pay income tax (Rs.8885/-), net salary is Rs.2,79,967/-. The Tribunal has rightly allowed addition in income for future prospects @ 50% and deduction for personal expenses at the same rate. However, as the deceased was less than 26 years of age being born on 11.01.1988 and died on 05.08.2013, admissible multiplier would be 18. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315** and **Pranay Sethi and others's case (supra).** In this manner, loss of dependency is calculated at Rs.37,79,554/- [(2,79,967 x 18) + (50% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitled to Rs.30,000/-, i.e. Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate.

Total compensation is Rs.38,09,554/- and the additional amount is Rs.11,49,879/- (38,09,554 - 26,59,675), payable with interest @7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

18.09.2018 **(REKHA MITTAL)**
ashok **JUDGE**

Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No