

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 1975 of 2014 (O&M)
Date of Decision : 04.05.2018

Dharambir and anotherAppellants

Versus

Jai Parkash and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjeev Kodan, Advocate
for the appellants.

Mr. B.S. Taunque, Advocate
for respondent no. 3-Insurance Company.

None for respondent no. 4.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Jhajjar (later referred to as ‘the Tribunal’) for death of Narender (later referred to as ‘the deceased’), in a motor vehicle accident on 16.08.2009 with tanker bearing registration no. MH-04-CG-0120 (later referred to as ‘the offending vehicle’).

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

3. The Tribunal vide award dated 18.12.2012 awarded compensation of ₹8,84,000/- to claimants-appellants, which was computed as follows:-

(i)	Name of the deceased	Narender
(ii)	Age of the deceased	24 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹6000

(iv)	1/3 rd of (iii) above deducted towards personal expenses	₹6000- ₹2000) = ₹4000 per month
(v)	Compensation calculated after applying the multiplier of 18	(₹4000X12X18) = ₹864000
(vi)	Compensation for transportation and last rites	₹20000
Total		₹884000

4. Learned counsel for appellants has confined his submission for enhancement of compensation awarded to claimants-appellant on two counts. Firstly, that appellants are entitled to addition of 40% in income of the deceased towards future prospects 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**; and secondly, they are entitled to grant of compensation under the conventional heads as per law settled in above referred case.

5. Learned counsel for respondent no. 3 has not disputed the submissions of learned counsel for appellants for addition of 40% in income of the deceased and grant of compensation under conventional heads as per law settled by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***.

6. Deceased-Narender was 24 years of age and as per law settled by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, appellants are entitled to 40% addition in income of the deceased towards future prospects. Keeping in view the year of accident and price index prevailing at that time, claimants are allowed lump sum compensation of ₹60,000/- towards conventional heads.

7. In view of my above discussion compensation, to which claimants-appellants are entitled, is computed as follows:-

(i)	Monthly income of the deceased as assessed by the Tribunal	₹6000 per month
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(ii)	40% of (i) above added towards future prospects	(₹6000+ ₹2400)= ₹8400 per month
(iii)	1/3 rd of (ii) above deducted towards personal expenses	(₹8400- ₹2800) = ₹5600 per month
(iv)	Compensation calculated after applying the multiplier of 18 in view of age of the deceased	(₹5600X12X18) = ₹1209600
(v)	Compensation towards loss of consortium, loss of estate and funeral expenses	₹60000
Total		₹1269600

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 **Narender** is enhanced from **₹8,84,000/-** to **₹12,69,600/-**. Liability to pay the amount of compensation shall be as per award. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of instant appeal till actual realization. Respondent no. 3-Insurance Company 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 enhanced amount of compensation as per award.

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.

May 04, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No