

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2183 of 2014 (O&M)
Date of Decision : 07.03.2018

Rajender Chauhan and another

.....Appellants

Versus

Sanjay and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rose Gupta, Advocate for the appellants.

Mr. Radhika, Advocate
for Mr. Sanjeev Kodan, Advocate
for respondent no. 3-Insurance Company.

Surinder Gupta, J. (Oral)

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Hisar (later referred to as 'the Tribunal') for death of Yasha (later referred to as 'the deceased'), in a motor vehicle accident on 14.07.2012 with Duster Car bearing registration no. DL-8CZ-4584 (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. Learned counsel for appellants has sought enhancement of compensation as per law laid down 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 the deceased was 27 years of age at the time of her death, as such, claimants are entitled to 40% addition in her income towards future prospects. The Tribunal has applied the multiplier as per age

17 as per observations of Hon’ble Apex Court in case of **Sarla Verma and ors. vs. Delhi Transport Corporation and another, (2009) 6 SCC 121.**

4. Learned counsel for respondent no.3-Insurance Company has not disputed the law laid down by Hon’ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009** but has argued that the Tribunal has awarded compensation of ₹1 lakh for loss of estate and love and affection, which is to be confined to ₹15,000/- only as per observations of Hon’ble Apex Court in above referred case.

5. As per law settled by Hon’ble Apex Court in case of ***Pranay Sethi (supra)***, claimants-appellants are entitled to 40% addition in income of the deceased towards future prospects. It has also been held by Hon’ble Apex Court in that case that the multiplier is to be applied as per age of the deceased and not as per age of claimants. Amount of ₹1 lakh allowed towards loss of love and affection and estate is also to be reduced to ₹15,000/- only towards loss of estate while compensation allowed for funeral expenses is to be enhanced from ₹10,000/- to ₹15,000/-.

6. 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	Yasha
(ii)	Age of the deceased	27 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹15000 per month
(iv)	40% of (iii) above added towards future prospects	(₹15000+ ₹6000)= ₹21000/- per month
(v)	½ of (iv) above deducted towards personal expenses	(₹21000- ₹10500) = ₹10500 per month
(vi)	Compensation calculated after applying the multiplier of 17 in view of age of mother of the deceased	(₹10500X12X17) = ₹2142000

(vii)	Compensation for loss of estate	₹15000
(viii)	Compensation for funeral expenses	₹15000
Total		₹2172000

7. 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 Yasha is enhanced from ₹11,00,000/- to ₹21,72,000/-. 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 equally share the enhanced amount of compensation

8. 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