

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 1584 of 2015 (O&M)
Date of Decision : 06.03.2018

Urmila Devi and others

.....Appellants

Versus

Ranjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bahadur Singh, Advocate
for the appellants.

Mr. Sandeep Antehri, Advocate
for Mr. Ravinder Malik, Advocate
for respondents no. 1 and 2.

Mr. Rohit Goswami, Advocate
for Mr. Ravinder Arora, Advocate
for respondent no. 3-Insurance Company.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Yamuna Nagar (later referred to as 'the Tribunal') for death of Sachin Puri (later referred to as 'the deceased'), in a motor vehicle accident on 04.11.2011 with tractor bearing no. HR-02-R-3978 (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 argued that the deceased was aged 20 years and unmarried. The Tribunal has assessed his monthly income as ₹4,643/- per month. He 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 Tribunal has calculated amount of compensation by taking age of claimant (mother of the deceased) and not by taking age of the deceased and allowed compensation towards of ₹5000/- each towards funeral expenses and loss of estate instead of ₹15,000/- each under both the heads.

4. Learned counsel for respondent no. 3-Insurance Company has no objection if the compensation be allowed to appellants as per observations of Hon'ble Apex Court in case of ***Pranay Sethi (supra)***. He has, however, argued that the Tribunal while calculating amount of compensation awarded 50% addition in income of the deceased towards future prospects while as per observations of Hon'ble Apex Court in case of ***Pranay Sethi (Supra)***, claimants-appellants are entitled to addition of 40% in income of the deceased towards future prospects.

5. Learned counsel for appellants and learned counsel for respondents have agreed on the point that compensation is to be computed as per law laid down by Hon'ble Apex Court in case of ***Pranay Sethi (Supra)***, wherein it has been held that multiplier while computing amount of compensation is to be taken as per age of the deceased. In this case, the deceased was 20 years of age, as such, multiplier attracted in this case is of 18. Towards future prospects, 40% addition in income of the deceased could be made and claimants are also entitled to compensation of ₹15,000/- each under the heads of funeral expenses and loss of estate.

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	Sachin Puri

(ii)	Age of the deceased	20 years
(iii)	Monthly income of the deceased	₹4643
(iv)	40% of (iii) above added towards future prospects	(₹4643+ ₹1857)= ₹6500/- per month
(v)	½ of (iv) above deducted towards personal expenses	(₹6500- ₹3250) = ₹3250 per month
(vi)	Compensation calculated after applying the multiplier of 18 in view of age of mother of the deceased	(₹3250X12X18) = ₹702000
(vii)	Compensation for loss of estate	₹15000
(viii)	Compensation for funeral expenses	₹15000
Total		₹732000

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 Sachin Puri is enhanced from ₹5,45,548/- to ₹7,32,000/-. 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.

March 06, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No