IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3987 of 2013 (O&M)
Date of Decision : 30.01.2018

Rajwinder Kaur and others .....Appellants

Versus

Pala Ram and others .....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. I.S. Pabla, Advocate
for the appellants.

Mr. Rajesh Sharma, 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, Kurukshetra (later referred to as 'the Tribunal') for death of Mohinder Singh (later referred to as 'the deceased'), in a motor vehicle accident on 24.11.2011 with tractor-trolley bearing registration no. HR-07-R-4906 (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 05.11.2012 awarded compensation of ₹7,38,000/- to claimants-appellants, which was computed as follows:-

Sr. No.	***Heads***	***Calculation***
(i)	Name of the deceased	Mohinder Singh
(ii)	Age of the deceased	50 years
(iii)	Monthly income of the deceased	₹7000

(iv)	1/3rd of (iii) above deducted towards personal expenses	₹7000- ₹2333) = ₹4667 per month
(v)	Compensation calculated after applying the multiplier of 16	(₹4667X12X13) = ₹728052
(vi)	Funeral expenses	₹10000
	Total	**₹738052 (rounded off to ₹738000)**

4. Learned counsel for appellants has argued that the deceased was 50 years of age and was agriculturist having 7 acres of land. He was cultivating another six acres of land on lease. The Tribunal, while considering the deceased as manager, who was looking after his land, has assessed his income as ₹7000/- per month but has not allowed any addition in income of the deceased towards future prospects, which as per observations of Hon'ble Apex Court in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009***, should be 25%. The Tribunal has also not allowed any compensation on conventional head like loss of estate and loss of consortium. Compensation allowed towards funeral expenses is also on lower side.

5. Learned counsel for insurance company though has not conceded the submissions of learned counsel for the appellants, claiming grant of 25% addition in income of deceased towards future prospects and for compensation on conventional heads but could not rebut the same in view of the observations of Hon'ble Apex Court in case of ***Pranay Sethi (supra)***.

6. The deceased was 50 years of age, as such, claimants are entitled to addition of 25% in income of the deceased towards future prospects. Keeping in view the fact that accident had taken place in the year 2011, claimants are also allowed compensation of ₹10,000/- towards loss of estate and ₹30,000/- towards loss of consortium.

7. In view of observations of Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, compensation to which claimants-appellants are entitled is reassessed as followings:-

Sr. No.	***Heads***	***Calculation***
(i)	Name of the deceased	Mohinder Singh
(ii)	Age of the deceased	50 years
(iii)	Date of accident	24.11.2011
(iv)	Monthly income of the deceased as assessed by the Tribunal	₹7000
(v)	25% of (iv) is to be added towards future prospects	(₹7000+ ₹1750) = ₹8750 per month
(vi)	$1/3^{rd}$ of (v) above deducted towards personal expenses	₹8750- ₹2916) = ₹5834 per month
(vii)	Compensation calculated after applying the multiplier of 13	(₹5834X12X13) = ₹910104
(viii)	Compensation for funeral expenses as awarded by Tribunal	₹10000
(ix)	Compensation for loss of estate	₹10000
(x)	Compensation for loss of consortium	₹30000
Total		**₹960104 (rounded off to ₹960100)**

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 Mohinder Singh is enhanced from ₹7,38,000/- to ₹9,60,100/-. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of 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.

January 30, 2018 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*