

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 1946 of 2015 (O&M)
Date of Decision: May 04, 2018.

Sarjo

.....APPELLANT(s).

VERSUS

Haryana State through Collector and others

.....RESPONDENT(s).

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Ramandeep Kaur, Advocate for
Mr. Bhupender Singh, Advocate
for the appellant (s).

Mr. Kapil Bansal, DAG, Haryana
for respondents No. 1 to 3.

Mr. Surinder Singh Sidhu, Advocate
for respondent No. 4-Insurance Company.

Surinder Gupta, J.

This is appeal by claimant seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Panipat (later referred to as 'the Tribunal') for death of Anil Kumar (later referred to as 'the deceased'), in a motor vehicle accident on 02.03.2012 with bus bearing registration no. HR-45A-8650.

2. As the only issue involved in this appeal is qua quantum of compensation as awarded by Tribunal, detailed facts of the case are being skipped for the sake of brevity.

3. The Tribunal vide award dated 22.10.2014 awarded compensation of ₹3,36,000/- to claimant-appellant, which was computed as follows:-

(i)	Name of the deceased	Anil Kumar
(ii)	Age of the deceased	32 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹8000
(iv)	1/2 nd of (iii) above deducted towards personal expenses	₹8000 - ₹4000) = ₹4000 per month
(v)	Compensation calculated after applying the multiplier of 7	(₹4000X12X7) = ₹336000
Total		₹336000

4. Learned counsel for the appellant has argued that as per the law settled by Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) R.C.R.(Civil) 1009***, the claimant is entitled to 40% addition in income of the deceased Anil Kumar, who was 32 years of age. While computing the amount of compensation, the multiplier is to be applied as per age of the deceased but the Tribunal has applied the same as per age of the claimant. The Tribunal has not allowed any compensation towards conventional heads which is to be allowed to the extent of ₹30000.

5. Learned counsel for the respondents have not disputed grant of compensation to the claimant as per the law settled by Hon'ble Apex Court in the case of ***Pranay Sethi (supra)***.

6. Hon'ble Apex Court in case of ***Pranav Sethi (supra)*** has observed that in the case of deceased in a motor vehicle accident, who was self employed and was less than 40 years of age, 40% addition in income of the deceased is to be allowed towards future prospects and multiplier is to be applied as per age of the deceased. The claimant is also entitled to compensation of ₹15,000 towards funeral expenses and ₹15,000 towards loss of estate as per the observations in the above cited case.

7. In view of my above discussion, the compensation, to which claimant-appellant is entitled, is computed as follows:-

(i)	Monthly income of the deceased as assessed by the Tribunal	₹8000 per month
(ii)	40% of (i) above added towards future prospects	(₹8000+ ₹3200)= ₹11200 per month
(iii)	1/2 of (ii) above deducted towards personal expenses	(₹11200- ₹5600) = ₹5600 p.m.
(iv)	Compensation calculated after applying the multiplier of 16 in view of age of the deceased	(₹5600X12X16) = ₹1075200
(v)	Compensation towards loss of estate	₹15000
(vi)	Compensation towards funeral expenses	₹15000
Total		₹1105200

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 claimant for death of Anil Kumar is enhanced from ₹3,36,000,- to ₹11,05,200,-. 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.4-Insurance Company being insurer of the offending vehicle will deposit the enhanced amount in her bank account or pay the same through demand draft. Claimant shall also be entitled to costs of this appeal.

May 4, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No