

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No.2118 of 2015 (O&M)

Date of Decision: March 09, 2018

Jaipal Singh

...Appellant

Versus

Ashok Kumar and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Chirag Wadhwa, Advocate for the appellant.

Mr.Namit Sharma, Advocate
for respondent No.2 – owner of offending vehicle.

Mr.Punit Jain, Advocate for respondent No.3 – Insurer.

HARINDER SINGH SIDHU, J.

The claimant has filed the present appeal challenging the award dated 13.1.2015 passed by the Motor Accident Claims Tribunal, Karnal (for short 'the Tribunal').

Brief facts as disclosed in the claim petition are that on 25.8.2013 in the area near K.R. Cinema, Karnal a vehicular accident took place involving Truck No HR-45-A-3434 (herein for short 'the offending vehicle'), wherein, Raj Kumar son of the claimant lost his life. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was also registered.

The Tribunal assessed the income of the deceased at Rs 7000/- per month, deducted ½ towards his personal expenses, applied the multiplier of 14 considering the age of 45 years of the claimant father (deceased a bachelor, aged 22 years). The loss of dependency was assessed at

Rs.5,88,000/-. Besides, amount of of Rs.25,000/- as 'funeral expenses' and Rs.50,000/- towards 'loss of love and affection and deprivation of protection and social security, etc." was also awarded. In all, compensation of Rs.6,63,000/-along with interest was awarded.

Feeling dissatisfied with the quantum of compensation, the claimant is before this Court.

Having heard learned counsel for the parties and going through the paper-book as also the decision of the Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and others** (2017) 16 SCC 680 the compensation is re-assessed as under:-

Sr.No.	Heads	Calculation (In Rs.)
(i)	Monthly Income	7000/-
(ii)	40% of above (i) to be added as future prospects (deceased aged 22 yrs.)	7000+(7000x40/100)= 9,800/-
(iii)	Loss of income (1/2 of (ii) deducted as personal expenses of the deceased-bachelor)	9800-4900= 4900/- per month
(iv)	Loss of dependency after multiplier of 18 is applied (according to age of deceased)	4900x12x18= 10,58,400/-
(v)	Loss of Estate	Rs.15,000/-
(vi)	Funeral Expenses	Rs.15,000/-
	Total	Rs.10,88,400/-

Hence, the appeal is allowed. The Award of the Tribunal is modified to the extent that the appellant is held entitled to total compensation of Rs.10,88,400/-, that is, Rs.4,25,400/- (1088400-663000) over and above the amount awarded by the Tribunal. Interest shall be paid on the enhanced amount at the rate of 7.5% per annum from the date of filing of claim application till realisation.

March 09, 2018

(HARINDER SINGH SIDHU)
JUDGE

gian

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No

