

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH.

FAO No.4702 of 2013 (O&M)  
Date of Decision: March 21, 2018.

Harpreet Kaur and others  
.....APPELLANT(s).

VERSUS

Gurmukh Singh and others  
.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jagmeet Singh, Advocate  
for the appellant (s).  
  
Mr. Sandeep Suri, Advocate  
for respondent No.3-insurance company.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the tribunal') vide award dated 03.08.2012 allowed compensation of ₹6,92,000/- for death of Harjinder Singh @ Jinder Singh, husband of appellant No.1 and father of appellants No.2 and 3, in a motor vehicle accident with Truck bearing registration No.PB-05-J-3913.

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

The compensation awarded was computed as follows:-

|       |                                     |                                           |
|-------|-------------------------------------|-------------------------------------------|
| (i)   | Name of the deceased                | Harjinder Singh @ Jinder Singh            |
| (ii)  | Age of the deceased                 | 42 years                                  |
| (iii) | Income of the deceased              | ₹6000 p.m.                                |
| (iv)  | Deduction towards personal expenses | ₹6000-2000=₹4000 p.m.<br>i.e. ₹48000 p.a. |

|              |                                        |                         |
|--------------|----------------------------------------|-------------------------|
| (v)          | Multiplier applied 14                  | ₹48000X14 = ₹6,72,000/- |
| (vi)         | Loss of Estate                         | ₹5000                   |
| (vii)        | Funeral/Transportation expenses        | ₹5000                   |
| (viii)       | Loss of consortium (qua claimant No.1) | ₹10000                  |
| <i>Total</i> |                                        | ₹6,92,000/-             |

Learned counsel for the appellants has argued the deceased, aged 42 years, was self employed. As per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009***, claimants are entitled to addition of 25% in the income of the deceased towards future prospects. Compensation as awarded by the Tribunal towards loss of estate, funeral/transportation expenses and loss of consortium is also on lower side.

Learned counsel for respondent-insurance company has argued that compensation under the conventional heads was allowed keeping in view the price index prevailing in the year 2009. However, he has not disputed the submission of learned counsel for the appellant for grant of addition in the income of the deceased towards future prospects.

As per observations in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***, the claimants are entitled to 25% addition in the income of the deceased, who was 42 years of age, towards future prospects. The tribunal has allowed compensation of ₹20,000/- under conventional heads of loss of estate, funeral expenses and loss of consortium, which keeping in view the year of accident is enhanced to ₹50,000/-.

In view of aforesaid discussion, compensation to which the claimants are entitled, is reassessed as follows:-

| Sl.No. | Heads                                                                    | Calculation                       |
|--------|--------------------------------------------------------------------------|-----------------------------------|
| (i)    | Income of the deceased                                                   | ₹6000 per month                   |
| (ii)   | 25% of above (i) to be added as future prospects                         | (₹6000+₹1500)=<br>₹7500 per month |
| (iii)  | Deduction of 1/3 <sup>rd</sup> towards personal expenses of the deceased | (₹7500-₹2500)=<br>₹5000 per month |
| (iv)   | Compensation after multiplier of 14 is applied                           | (₹5000X12X14)=<br>₹840000/-       |
| (v)    | Loss of consortium                                                       | ₹30000                            |
| (vi)   | Loss of estate                                                           | ₹10000                            |
| (vii)  | Funeral expenses                                                         | ₹10000                            |
| Total  |                                                                          | ₹8,90,000/-                       |

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹6,92,000/- to ₹8,90,000/- for death of Harjinder Singh @ Jinder Singh. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants as follows:-

- (i)

Appellant No.1-widow

: 60%
- (ii)

Appellants No.2 and 3-sons

: 20% each

Respondent No.3-insurance company will deposit the shares of appellants-claimants in their bank accounts or pay the same through demand drafts. The claimants shall also be entitled to costs of this appeal. In case of demise of any of above claimant(s) before his/her share of compensation is disbursed, the same shall be apportioned equally amongst other surviving claimants.

March 21, 2018.  
Sachin M.

( SURINDER GUPTA )  
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No