IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1467 of 2016(O&M)

Date of Decision: September 11 , 2018.

Sheelo Bai and others ..... APPELLANT (s)

Versus

Samarjeet Yadav and others ..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Digvijay Singh Kadian, Advocate
for the appellants.

Mr. Samrat Malik, Advocate
for respondent No.1.

Mr. Sajjan Singh, Advocate
for respondent No.2.

Ms. Vandana Malhotra, Advocate
for respondent No.3 – Insurance Company.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Fatehabad (for short, the 'Tribunal') vide impugned award dated 04.08.2015 on account of death of Manga Singh in a motor vehicle accident.

Brief facts necessary for adjudication of the case are that, the

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claimants filed a petition under Section 166 of the Motor Vehicles Act (for short, the 'Act') seeking compensation on account of the death of Manga Singh, who lost his life in a motor vehicle accident which took place on 30.3.2014. FIR (Ex.P2) under Sections 279/427/304A IPC was registered against respondent No.1-Samarjeet Yadav on the statement of PW2 Chhinder Singh, an eye-witness. The learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of Eco Van car bearing registration No. HR-26BG-0159 by respondent No.1 – Samarjeet Yadav. The said finding of the learned Tribunal has attained finality.

The learned Tribunal awarded a sum of ₹6,70,000/- as compensation to the appellants-claimants vide impugned award. Income of the deceased was assessed as ₹6,000/- per month. Deduction to the extent of 50% on account of personal expenses was effected and multiplier of 18 was applied. ₹22,000/- towards funeral expenses were awarded.

Sole argument raised by learned counsel for the claimants/appellants is that increase in income at the rate of 40% be afforded on account of future prospects in view the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others**, ***2017(16) SCC 680***. It is however submitted that there is no objection in case the amount under the conventional heads is awarded in terms of Pranay Sethi's case (supra).

Learned counsel for respondent No.3 – Insurance Company however prays that the impugned award does not call for any enhancement of the compensation as the same is reasonable and justified in the facts and circumstances of the case.

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I have heard learned counsel for the parties and have gone through the file.

Liability of the Insurance Company is not in dispute and neither is there a dispute regarding the accident being caused by the rash and negligent act of respondent No.1 – Samarjeet Yadav. Income of the deceased as assessed by the learned Tribunal i.e., ₹6,000/- per month is not in dispute. Deduction to the extent of 50% on account of personal expenses has been correctly applied and multiplier of 18 has also been rightly applied as the deceased was 21 years old at the relevant time. However, increase in income at the rate of 40% on account of loss of future prospects has to be afforded keeping in view the observations of the Hon'ble Supreme Court in **Pranay Sethi's case** (supra). ₹15,000/- each towards funeral expenses and loss of estate is to be awarded as well.

Appellants-claimants are, thus, entitled to the amount of compensation which is re-worked as under:-

Sr.No.	***Heads of Claim***	***Amount***
1.	Income	6,000 p.m. i.e. ₹72,000/- per annum
2.	Total income after addition at the rate of 40% on account of future prospects	72,000 + (72,000 **x** 40%) = 1,00,800
3.	Income after deduction of 50% on account of personal expenses	1,00,800 – (1,00,800 **x** 1/2) = 50,400
4.	Total dependancy after applying a multiplier of 18	(50,400 **x** 18) = 9,07,200
5.	Loss of estate	15,000
6.	Funeral expenses	15,000
	Grand Total	₹9,37,200/-

Needless to say, the amount already awarded by the learned Tribunal

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shall stand deducted from the compensation as detailed above. Appellants shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of filing of the petition till realization. Ratio of apportionment amongst the appellants as determined by the learned Tribunal shall remain the same.

Appeal is accordingly disposed of.

(**LISA GILL**)
JUDGE

September 11 , 2018.
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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