

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

FAO No.1815 of 2016 (O&M)

Date of Decision: April 20, 2018

Sivo Devi @ Shiv Devi and others

...Appellant

Versus

Sumer Singh and others

...Respondents

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

Present: Mr.Ashish Gupta, Advocate
for the appellant.

Mrs.Sheenu Sura, Advocate
for respondent No.3 – Insurer.

HARINDER SINGH SIDHU, J.

The claimants have filed the present appeal for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Gurgaon (for short 'the Tribunal') vide its award dated 03.11.2015.

Brief facts as disclosed in the claim petition are that on 16.03.2014 in the area of village Dariyapur, District Jhajjar a vehicular accident took place involving Trola No.RJ-02-GA-8519 (herein for short 'the offending vehicle'), wherein, Kappo Mahto @ Khappu Mahto lost his life. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle by Respondent No.1. FIR regarding the accident was also registered.

The Tribunal assessed the income of the deceased at Rs.7300/- per month, deducted 1/4th towards his personal expenses, applied the multiplier of 14 (deceased aged 42 years). The loss of dependency was

assessed at Rs.9,19,800/- Besides, sum of Rs.25000/- towards 'loss of consortium', Rs.20,000/- as 'funeral expenses' and Rs.20,000/- towards 'loss of estate' and Rs.20,000/- as 'non-pecuniary damages' were awarded. In all, compensation of Rs.10,04,800/- along with interest was awarded.

Feeling dissatisfied with the quantum of compensation, the claimants are before this Court.

It is argued on behalf of the claimants that the Tribunal has not followed settled procedure while assessing the compensation as it failed to award future prospects.

Having heard learned counsel for the parties and in the light of the the decision of the Hon'ble Supreme Court in National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 AIR(SC) 5157 the compensation is re-assessed as under:-

Sr.No.	Heads	Calculation (In Rs.)
(i)	Monthly Income	7300/-
(ii)	25% of above (i) to be added as future prospects (deceased aged 42 yrs.)	7300+(7300x25/100)= 9,125/-
(iii)	Monthly dependency (1/4 th of (ii) deducted as personal expenses of the deceased - five dependants)	9125-(9125x1/4)= 6843.75/-
(iv)	Loss of dependency after multiplier of 14 is applied	6843.75x12x14= 11,49,750/-
(v)	Loss of Consortium (Exclusively payable to the widow of deceased)	40,000/-
(vi)	Loss of Estate	15,000/-
(vii)	Funeral Expenses	15,000/-
	Total	12,19,750/-

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.12,19,750 /-, that is, Rs.2,14,950/- (1219750-1004800) 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.

April 20, 2018

(**HARINDER SINGH SIDHU**)

JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No