

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3291 of 2015 (O&M)
Date of Decision : 21.03.2018

Baksho and another
.....Appellants

Versus

Tehal Singh and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikram Bali, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent no. 3-Insurance Company.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Rupnagar (later referred to as ‘the Tribunal’) for death of Bahadur Ram (later referred to as ‘the deceased’), in a motor vehicle accident on 13.03.2014 with bus bearing registration no. PB-10-CX-2811 (later referred to as ‘the offending vehicle’).

2. As the only issue involved in this appeal is enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.
3. The Tribunal vide award dated 15.11.2014 awarded compensation of ₹5,68,000/- to claimants-appellants, which was computed as follows:-

(i)	Name of the deceased	Bahadur Ram
(ii)	Age of the deceased	55 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹6000
(iv)	1/3 rd of (iii) above deducted towards personal expenses	₹6000- ₹2000) = ₹4000 per month

(v)	Compensation calculated after applying the multiplier of 11	(₹4000X12X11) = ₹528000
(vi)	Compensation for loss of love and affection	₹20000
(vii)	Compensation for transportation and last rites	₹20000
Total		₹568000

4. Learned counsel for appellants has confined his submission for enhancement of compensation awarded to the deceased on two counts. Firstly, that as per law settled by Hon'ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009**, claimants are entitled to 10% addition in income of the deceased, who was 55 years of age at the time of his death, towards future prospects, and secondly, claimants are also entitled to compensation of ₹70,000/- under the conventional heads.

5. In case of ***Pranay Sethi (supra)***, Hon'ble Apex Court has settled the law with regard to compensation to legal representatives of the deceased on various counts. Claimants have been held entitled to 10% addition in income of the deceased in the age group of 50 to 60 years. As Bahadur Ram (deceased) has been held to be 55 years of age, claimants are entitled to 10% addition in income of the deceased besides compensation of ₹70,000/- under the conventional heads.

6. In view of my above discussion compensation, to which claimants-appellants are entitled, is computed as follows:-

(i)	Monthly income of the deceased as assessed by the Tribunal	₹6000 per month
(ii)	10% of (i) above added towards future prospects	(₹6000+ ₹600)= ₹6600 per month
(iii)	1/3 rd of (ii) above deducted towards personal expenses	(₹6600- ₹2200) = ₹4400 per month

(iv)	Compensation calculated after applying the multiplier of 11 in view of age of the deceased	(₹4400X12X11) = ₹580800
(v)	Compensation towards loss of consortium	₹40000
(vi)	Compensation towards loss of estate	₹15000
(vii)	Compensation towards funeral expenses	₹15000
Total		₹650800

7. 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 claimants for death of Bahadur Ram is enhanced from ₹5,68,000/- to ₹6,50,800/-. 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. 3-Insurance Company being insurer of the offending vehicle will deposit the share of claimants in their bank accounts or pay the same through demand drafts. Claimants will share the enhanced amount of compensation as per award.

8. In the event of demise of any of the claimants before or after disposal of this appeal, compensation of his/her share shall be paid to surviving claimants.

March 21, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No