

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**1. FAO No. 2300 of 2016 (O&M)  
Date of Decision : 22.02.2018**

Shri Ram General Insurance Co. Ltd. ....Appellant

Versus

Meena Devi and others .....Respondents

**2. FAO No. 4691 of 2016 (O&M)**

Meena Devi .....Appellant

Versus

Ranjeet Kumar Rawat and others .....Respondents

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Kulwinder Singh, Advocate  
for Mr. Sanjeev Goyal, Advocate  
for the appellant in FAO-2300-2016 and  
for respondent no. 4 in FAO-4691-2016.

Mr. Sumit Gupta, Advocate  
for appellant in FAO-4691-2016 and  
for respondent no. 1 in FAO-2300-2016.

**Surinder Gupta, J.**

Insurer of Mahindra Pick Up bearing Registration no. DL-11-LM-0951 (later referred to as 'the offending vehicle') i.e. Shri Ram General Insurance Company has filed (FAO-2300-2016), challenging the quantum of compensation awarded by Motor Accident Claims Tribunal, Karnal (later referred to as 'the Tribunal'), awarding compensation of ₹13,26,000/- for death of Rahul in a motor vehicle accident with the offending vehicle, while claimant-Meena Devi (appellant in FAO No. 4691-2016) has sought enhancement of the same.

2. As the only issue involved in these appeals is quantum of compensation, detailed facts of the case are being skipped for the sake of

brevity.

3. During course of arguments, learned counsel for appellants in both the appeals are *ad idem* that compensation in this case is to be computed as per law laid down by Hon'ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.**

4. As per ratio of judgment in case of ***Pranay Sethi (supra)***, 40% addition in income of the deceased-Rahul, aged 24 years, can be allowed towards future prospects while the Tribunal has made 50% addition in income of the deceased on this score. Compensation on conventional heads is restricted to ₹70,000/- only.

5. In view of submissions of learned counsel for parties and law laid down by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, compensation awarded in this case is reassessed as follows:-

| <b><i>Sr. No.</i></b> | <b><i>Heads</i></b>                                                                                  | <b><i>Calculation</i></b>                 |
|-----------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (i)                   | Name of the deceased                                                                                 | Rahul                                     |
| (ii)                  | Age of the deceased                                                                                  | 24 years                                  |
| (iii)                 | Monthly income of the deceased                                                                       | ₹5100                                     |
| (iv)                  | 40% of (iii) above added towards future prospects                                                    | (₹5100- ₹2040)=<br>₹7140/- per month      |
| (v)                   | 1/3 <sup>rd</sup> of (iv) above deducted towards personal expenses                                   | (₹7140- ₹2380) =<br>₹4760 per month       |
| (vi)                  | Compensation calculated after applying the multiplier of 18 in view of age of mother of the deceased | (₹4760X12X18) =<br>₹1028160               |
| (vii)                 | Loss of estate                                                                                       | ₹15000                                    |
| (viii)                | Loss of consortium                                                                                   | ₹40000                                    |
| (ix)                  | Funeral expenses                                                                                     | ₹15000                                    |
| <b><i>Total</i></b>   |                                                                                                      | <b>₹1098160 (rounded off to ₹1098200)</b> |

of 2016) filed by claimant-Meena Devi is dismissed while the appeal (FAO No. 2300 of 2016) filed by Shri Ram General Insurance Co. Ltd. is partly allowed. Award of the Tribunal is modified and the compensation allowed to claimant for death of Rahul is reduced from ₹13,26,000/- to ₹10,98,200/-. However, claimant(s) will be entitled to interest on the amount of compensation @ 7% per annum from the date of filing of the claim petition till actual realization. Amount of compensation, if not already paid, shall be equally shared by appellant-Meena Devi and Rajni, widow of the deceased.

**February 22, 2018**  
jk

**( SURINDER GUPTA )**  
**JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*