

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3449 of 2015 (O&M)
Date of Decision : 16.04.2018

Paramjit Kaur and others

....Appellants

Versus

Rasheed Ahmed and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Sodhi, Advocate
for the appellants.

Mr. Ramender Chauhan, Advocate
for Mr. Sunil Panwar, Advocate
for respondent no. 1.

Mr. Kapil Bansal, DAG, Haryana
for respondents no. 2 and 3.

Mr. R.C. Gupta, Advocate
for respondent no. 4-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 Gurnam Singh (later referred to as 'the deceased'), in a motor vehicle accident on 21.04.2013 with bus bearing registration no. HR-55R-3704 (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 04.08.2014 awarded compensation of ₹11,66,600/- to claimants-appellants, which was computed

as follows:-

(i)	Name of the deceased	Gurnam Singh
(ii)	Age of the deceased	43 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹7000
(iv)	30% of (iii) above added towards future prospects.	(₹7000+₹2100) = ₹9100 per month
(v)	1/4 th of (iv) above deducted towards personal expenses	(₹9100- ₹2275) = ₹6825 per month
(vi)	Compensation calculated after applying the multiplier of 14	(₹6825X12X14) = ₹1146600
(vii)	Compensation for loss of consortium	₹10000
(viii)	Compensation for funeral expenses & last rites	₹5000
(ix)	Compensation for transportation of dead body	₹5000
Total		₹1166600

4. Learned counsel for appellants has argued that the deceased was 38 years of age while the Tribunal has taken his age as 43 years. In the postmortem report, age of the deceased was mentioned as 38 years. As per age of the deceased, claimants are entitled to 40% addition in his income towards future prospects and the multiplier applicable while computing amount of compensation towards loss of dependency is 15 but the Tribunal has applied the same as 14. Claimants are also entitled to compensation under the conventional heads 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.**

5. Learned counsel for respondent no. 4-Insurance Company has argued that as per claimants, the deceased was a driver by profession. Claimants could produce his driving licence as proof of his age. The Tribunal has relied on only documentary evidence on record i.e. ration card while assessing age of the deceased. In the absence of any other evidence on

settled by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, 25% addition in income of the deceased could be made towards future prospects while the Tribunal has already awarded 30% addition in his income on this score. The multiplier has been rightly applied. Even if compensation under the conventional heads be allowed, the amount of compensation already awarded to claimants is on higher side.

6. The only issue raised by learned counsel for appellants is regarding age of the deceased. As per claimants, the deceased was a driver and his age was claimed to be 38 years at the time of his death. Claimants have produced ration card of the deceased, which the Tribunal has considered while assessing his age as 43 years. Relevant observations of the Tribunal are reproduced as follows:-

“13.During cross-examination of Paramjit Kaur, it has come on record that in the ration card prepared in 2002, the age of her husband is mentioned as 32 years and her age is mentioned as 28 years. Therefore, considering this ration card, the age of the deceased Gurnam Singh was around 43 years at the time of said accident.....”

7. As claimants have withheld the evidence with regard to age of the deceased, the Tribunal was left with no other evidence on record except ration card, which has been relied while assessing age of the deceased. I find no reason to interfere with above observation of the Tribunal on this score and the same is affirmed.

8. As per law settled by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, claimants are entitled to 25% addition in income of the

to compensation of ₹70,000/- under the conventional heads i.e. loss of estate, loss of consortium and funeral expenses. Keeping in view age of the deceased, the multiplier of 14 is applicable while computing the amount of compensation towards loss of dependency.

9. In view of my above discussion, the compensation to which claimants are entitled is reassessed as follows:-

(i)	Age of the deceased as assessed by the Tribunal	43 years
(ii)	Monthly income of the deceased as assessed by the Tribunal	₹7000
(iii)	25% of (ii) above added towards future prospects as per age of the deceased	(₹7000+₹1750) = ₹8750 per month
(iv)	1/4 th of (iii) above deducted towards personal expenses	(₹8750- ₹2188) = ₹6562 per month
(v)	Compensation calculated after applying the multiplier of 14	(₹6562X12X14) = ₹1102416
(vi)	Compensation for loss of consortium	₹40000
(vii)	Compensation for loss of estate	₹15000
(viii)	Compensation for funeral expenses	₹15000
Total		₹1172416 (rounded off to ₹1172400)

10. 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 Gurnam Singh is enhanced from ₹11,66,600/- to ₹11,72,400/-. 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. 4-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.

11. 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

April 16, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No