

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.2842 of 2016 (O&M)
Date of Decision: February 14, 2018.

Gurpreet Singh and another
.....APPELLANT(s).

VERSUS

Geja Singh and others
.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kushagra Mahajan, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as 'the tribunal') vide award dated 18.03.2015 allowed compensation of ₹5,06,528/- for death of Joginder Singh, father of appellants, in a motor vehicle accident with Truck bearing registration No.PB-05-P-8719.

As the only issue involved in this appeal relates to quantum of compensation as awarded by Tribunal, detailed facts of the case are being skipped for the sake of brevity.

The compensation awarded to the claimants was computed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Joginder Singh
(ii)	Age of the deceased	60 years
(iii)	Income of the deceased	₹5695 p.m.
(iv)	15% of (iii) above to be added as future prospects	₹5695+854=₹6549 p.m.
(v)	1/3 deduction towards personal expenses	₹6549-2183=₹4366 p.m.
(vi)	Compensation after multiplier of 9 is applied	₹4366X12X9 = ₹471528/-

(vii)	Funeral expenses	₹25000
(viii)	Loss of estate	₹10000
<i>Total</i>		₹5,06,528/-

Learned counsel for the appellants has argued that the claimants have filed this appeal with the plea that they have not been paid any compensation under the head of loss of love and affection.

Deceased in this case was Joginder Singh, who was 60 years of age at the time of accident. The tribunal while computing the amount of compensation has added 15% of the income of deceased towards future prospects, while as per the observations of Constitutional Bench Hon'ble Apex Court in case of *National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009*, addition in the income of the deceased was to be allowed @ 10%. As per the observation in above cited case, claimants are not entitled to any compensation under the head of loss of love and affection. The tribunal has also allowed a sum of ₹35,000/- for loss of estate and funeral expenses and this amount as per the observations in case of *National Insurance Company Limited Vs. Pranay Sethi and others(supra)*, is also higher by ₹5000/-.

Keeping in view the above facts, I find no reason to interfere with the amount of compensation already awarded by the tribunal.

This appeal has no merits.

Dismissed.

February 14, 2018.

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No