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

**FAO No.3975 of 2015(O&M)
Date of Decision: 03.07.2018**

P.R.T.C and another

......appellants

Vs

Sandeep Kaur and others

.....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Anupam Singla, Advocate
for the appellants.

Mr. Pankaj Katia, Advocate
for the respondents.

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RAJ MOHAN SINGH, J.(Oral)

[1]. This appeal has been preferred by owner of the offending vehicle i.e. P.R.T.C and another against the order dated 13.03.2015 passed by the Motor Accidents Claims Tribunal, SAS Nagar, Mohali (for short 'the Tribunal').

[2]. The Tribunal assessed the amount of compensation to the tune of Rs.17,61,000/- in the following manner:-

Fatal Accidents

Age	***35 years***	
Occupation	Self employed	
Claimants	Widow, son and father	
Sr. No.	Heads of claim	Amount
1	Income	8000x12=96,000/-
2	Deduction @ 1/3rd	32,000/-
3	Multiplier @ 16	64,000x16=10,24,000/-
4	Future prospects @ 50%	5,12,000/-
5	Loss of dependency	15,36,000/-
6	Funeral expenses	25,000/-
7	Loss of consortium	1,00,000/-
8	Loss of love and affection	1,00,000/-
9	Total	17,61,000/-

[3]. The grievance of the appellants is only to the extent that in view of ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 SCC 1270***, the award of 50% towards future prospects is wholly unsustainable and it should have been 40%. Similarly, for the compensation under the heads of funeral expenses, loss of consortium and loss of love and affection, the consolidated amount of Rs.70,000/- has to be awarded in place of Rs.2,25,000/-. The Tribunal has allowed the aforesaid compensation along with interest @ 6% per annum from the date of filing of the claim petition till final realisation of the amount. The manner in which the amount of compensation has to be apportioned amongst the claimants is also pointed out in the concluding part of the award.

[4]. The ratio laid down by the Hon'ble Apex Court in

<u>National Insurance Company Limited Vs. Pranay Sethi and others, case (supra)</u> has not been disputed by learned counsel for respondents No.1 to 3.

[5]. In view of above, a fresh exercise has to be undertaken in terms of necessary calculations to be made on the parameters as determined by the Tribunal while assessing the aforesaid amount of Rs.17,61,000/- as compensation. After applying future prospects @ 40%, the amount to the tune of Rs.4,09,600/- has to be assessed in place of amount of Rs.5,12,000/- as assessed by the Tribunal for the aforesaid head. Therefore, difference of Rs.1,02,400/- has to be deducted under the aforesaid head of future prospects. Similarly under conventional heads, necessary calculations are to be made while treating an amount of Rs.70,000/- payable under the aforesaid conventional heads. Therefore, difference of Rs.1,55,000/- has to be made under the conventional heads and if computation is made, total amount of compensation would be slashed down to the tune of Rs.2,57,400/- (1,55,000+1,02,400=2,57,400) in both the aforesaid heads.

[6]. In view of aforesaid, the present appeal is partly accepted to the extent of deduction to the tune of Rs.2,57,400/- from the award of Rs.17,61,000/- as assessed by the Tribunal. The computed amount of Rs.15,03,600/- (17,61,000-

2,57,400=15,03,600) would carry the same interest and the same has to be apportioned in the manner as suggested by the Tribunal.

July 03, 2018 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No