

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No.5624 of 2014 (O&M)
Date of Decision: 01.03.2018

Sunita Rani

....Appellant (s)

Versus

Santokh Singh & others

Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Tribhawan Singla, Advocate
for the appellant(s).

Mr. Dolly Shivani, Advocate for
Mr. M.S. Sodhi, Advocate
for respondent no.1.

Mr. Pardeep Goyal, Advocate
for respondent no.3-Insurance Company.

HARI PAL VERMA, J. (Oral)

The appellant-claimant, who is mother of the deceased Kuldeep Singh, has filed the present appeal seeking enhancement of compensation granted by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as “the Tribunal”) vide award dated 03.02.2014.

Admittedly, the accident and other liabilities are not in dispute in the present appeal. What is in dispute is the quantum of compensation awardable to the appellant-claimant.

Learned counsel for the appellant-claimant has confined his arguments to the quantum of compensation only. He has argued that the Tribunal has not awarded compensation under the head 'future prospects'. The deceased Kuldeep Singh, who was employed as a Commando in Punjab Police, died in a motor vehicular accident, which occurred on 07.03.2011. The deceased was 24 years of age and therefore, he being less than 40 year of age, the appellant-claimant is entitled for compensation under the head 'future prospects' which shall be 50% of the actual salary of the deceased, as per the judgment of Hon'ble the Apex Court in the case of **National Insurance Co. Ltd vs. Pranay Sethi 2017(4) RCR (Civil) 1009.**

On the other hand, learned counsel for the respondent-Insurance Company is fair enough to admit that considering the fact that the deceased was 24 years age, the appellant-claimant is entitled for compensation under the head 'future prospects' @ 50% addition to the income of the deceased. However, he has argued that the Tribunal has granted a sum of Rs.40,000/- towards 'funeral expenses' and an amount of Rs.1,00,000/- towards 'loss of love and affection of his mother, but in view of judgment of Hon'ble the Apex Court in the case of **Pranay Sethi (Supra)**, the appellant is entitled to a total sum of Rs.70,000/- under the 'conventional heads'.

I have heard learned counsel for the parties and perused the impugned award.

The Tribunal after assessing the monthly income of the deceased Kuldeep Singh, who was employed as a Commando in Punjab Police, as Rs.13,647/- per month, while applying 1/2 deductions towards

‘personal expenses’ and multiplier of ‘18’, awarded total compensation of Rs.16,13,876/-, which included a sum of Rs.40,000/- towards ‘funeral expenses’ and an amount of Rs.1,00,000/- towards ‘loss of love and affection along with interest at the rate of 9% per annum from the date of institution of the claim petition. However, in view of judgment of Hon’ble the Apex Court in the case of **Pranay Sethi** (*Supra*), since the deceased was working as a Commando in Punjab Police and was below 40 years of age, the appellant-claimant is entitled for compensation under the head ‘future prospects’ which shall be the addition of 50% in the actual salary of the deceased. Similarly, the appellant-claimant shall be entitled for a total sum of Rs.70,000/- i.e. Rs.15,000/- towards ‘loss of estate, Rs.40,000/- towards ‘loss of consortium’ and Rs.15,000/- towards ‘funeral expenses’, instead of Rs.40,000/- towards ‘funeral expenses’ and Rs.1,00,000/- towards ‘loss of love and affection.

Accordingly, with the assistance of both the counsel, this Court has calculated the total compensation, payable to the appellant-claimant, as under:-

<u>S.No.</u>	<u>Heads</u>		<u>Calculation (₹)</u>
1	Monthly Income		13647.00
2	Future prospects	50%	6823.50
3	Total monthly income (monthly income + future prospects)		20,470.50
4.	Annual Income		2,45,646.00
5.	Income Tax		8822.00
6.	Annual income (after tax deduction)		2,36,824.00

7.	Deductions towards personal expenses of deceased	1/2	1,18,412.00
8.	Annual dependency		1,18,412.00
9	Multiplier	18	
10	Total loss of dependency		21,31,416.00
	Medical expenses	:	0
	Loss of Estate:	:	15,000.00
	Funeral expenses	:	15,000.00
	Loss of Consortium	:	40,000.00
11	Total amount of compensation		22,01,416.00
10	Amount already awarded		16,13,876.00
11	Total Enhancement		5,87,540.00

It is further ordered that in view of judgment of Hon’ble the Apex Court in the case of **Pranay Sethi** (*Supra*), this enhancement shall fetch interest @ 7.5% per annum instead of 9% per annum from the date of filing the claim petition till its realization.

Accordingly, the appeal is disposed of.

March 01, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No