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

FAO No.4042 of 2015 (O&M)
Date of Decision: November 12, 2018.

Bharti Axa General Insurance Company
..........APPELLANT(s).

VERSUS

Ranjana Bhatia and others
........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajbir Singh, Advocate for
Mr. Sanjeev Goyal, Advocate
for the appellant (s).

Mr. Neeraj Khanna, Advocate
for respondent No.1 and 2-claimants.

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SURINDER GUPTA, J.

This is appeal by insurance company against the award dated 10.03.2015 passed by the Motor Accident Claims Tribunal, Chandigarh (later referred to as ‘the tribunal’), vide which the tribunal has awarded a compensation of ₹21,85,000/- for the death of Arsh Bhatia son of claimants -respondents No.1 and 2 in a motor vehicle accident, which took place on 28.07.2012 with Car bearing registration No.CH-01AK-9821 (later referred to as ‘the offending vehicle’) by its driver.

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 amount of compensation of ₹21,85,000/- was computed by the tribunal as follows:-

(i)	Name of the deceased	Arsh Bhatia
(ii)	Age of the deceased	18 years
(iii)	Income of the deceased	₹10000/- p.m.
(iv)	50% addition in the income of deceased towards future prospects	₹10000+5000=₹15000/- per month.
(v)	Deduction towards personal expenses	₹15000-5000=₹10000 p.m. i.e. ₹120000 p.a.
(vi)	Multiplier applied 18	₹120000X18 = ₹2160000/-
(vii)	Funeral expenses	₹25000/-
	Total	₹21,85,000/-

Learned counsel for the appellant has argued that the tribunal has taken income of the deceased on higher side. He was a student and instead of taking minimum wages prescribed for an unskilled or skilled worker in July, 2012, the tribunal has assessed his income as ₹10,000/- per month. As per the law settled in ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009,*** the claimants could be allowed 40% addition in the income of the deceased towards his future prospects and deduction towards personal expenses of the deceased could be made as 1/2 as he was unmarried.

Learned counsel for claimants-respondents No.1 and 2 has fairly conceded that future prospects as allowed by the tribunal could be brought down to 40% of the income of the deceased as assessed by the tribunal and deduction towards his personal expenses could be made as 1/2 instead of 1/3rd. He has, however, argued that the tribunal has rightly taken income of the deceased as ₹10,000/- per month, as he was a student of B.Com Part-I and had also joined Institute of Chartered Accountant to complete his Chartered Accountant Course (C.A.) After graduation and completion of C.A., he would have earned much higher than ₹10,000/- per month, as such his income assessed by the tribunal is not on higher side. He has also claimed compensation on account of loss of consortium for the claimants as per the observations in case of ***Magma General Insurance Company Ltd Vs. Nanoo Ram @ Chohru Ram and ors (Civil Appeal No. 9581-2018) arising out of SLP(civil) 3192 of 2018 decided on 18.09.2018.***

The deceased was admittedly a student of B.Com Ist year and was also pursing Chartered Accountant Course. For the purpose of assessing his monthly income, he could not be equated with a skilled or unskilled labourer. Keeping in view his education and prospects after completion of his studies, the tribunal has committed no error while assessing his income @ ₹10,000/- per month. As per the settled law**,** claimants are entitled to 40% addition in the income of the deceased towards his future prospects and deduction towards his personal expenses is to be made as 1/2 as he was bachelor. As per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra),*** the claimants being parents of the deceased, who was unmarried, are not entitled to compensation under the head of loss of consortium.

In view of my above observations, compensation to which the claimants are entitled to is re-assessed as follows:-

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased	₹10000 per month
(ii)	40% of above (i) to be added as future prospects	(₹10000+₹4000)= ₹14000 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹14000-₹7000)= ₹7000 per month
(iv)	Compensation after multiplier of 18 is applied	(₹7000X12X18)= ₹15,12,000/-
(v)	Loss of estate	₹15000
(vi)	Funeral expenses	₹15000
Total		₹15,42,000/-

The appeal has merits and is partly accepted. The award of the tribunal is modified and the compensation allowed to the claimants-respondents No.1 & 2, is reduced from ₹21,85,000/- to ₹15,42,000/- for the death of Arsh Bhatia. The appellant-insurance company will be entitled to recover the excess amount, if paid to the claimants, beyond the amount of compensation as assessed in this appeal. Parties are left to bear their own costs.

(SURINDER GUPTA)
JUDGE

November 12, 2018.
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***