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

**FAO No.4044 of 2015(O&M)
Date of Decision: 03.07.2018**

P.R.T.C and another

......appellants

Vs

Charanjit 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 has assessed the amount of compensation to the tune of Rs.19,53,000/- in the following manner:-

Fatal Accidents

Age	***35 years***	
Occupation	Self employed	
Claimants	Widow, children and parents	
Sr. No.	Heads of claim	Amount
1	Income	8000x12=96,000/-
2	Deduction @ ¼th	24,000/-
3	Multiplier @ 16	72,000x16=11,52,000/-
4	Future prospects @ 50%	5,76,000/-
5	Loss of dependency	17,28,000/-
6	Funeral expenses	25,000/-
7	Loss of consortium	1,00,000/-
8	Loss of love and affection	1,00,000/-
9	Total	19,53,000/-

[3]. Learned counsel for the appellants is aggrieved only to the extent of award made by the Tribunal under the head of future prospects @ 50% and towards conventional heads in view of ratio laid down in ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 SCC 1270***,

[4]. The income of the deceased can be assessed to be Rs.8000/- per month. After adding 40% i.e. Rs.3200/- (8000 X 40/100=3200) towards future prospects, total monthly income of the deceased would come out to be Rs.11,200/- (8000+3200=11,200/-) i.e. Rs.1,34,400/- per annum. Keeping in view the age of the deceased, multiplier of 16 has to be applied as per ratio laid down in ***Smt. Sarla Verma Vs. Delhi Transport Corporation and another, 2009(3) Punjab Law Reporter 22***

and after applying multiplier of 16, the amount of compensation would come out to be Rs.21,50,400/- to which deduction of Rs.5,37,600/- as 1/4th deduction towards personal expenses has to be applied and the amount would come out to be Rs.16,12,800/-. Similarly under the conventional heads, necessary calculations are to be made while treating an amount of Rs.70,000/- payable under the aforesaid conventional heads as per ratio laid down in ***National Insurance Company Limited Vs. Pranay Sethi and others case (supra)*** Therefore, difference of Rs.1,55,000/- has to be made under the conventional heads.

[5]. In view of above, resultant compensation payable to the claimants would be Rs.16,82,800/- (16,12,800 + 70,000 =16,82,800). The aforesaid amount would carry the same rate of interest as awarded by the Tribunal along with apportionment of compensation amongst the claimants as suggested by the Tribunal.

[6]. With the aforesaid modification, the present appeal stands disposed of.

July 03, 2018 **(RAJ MOHAN SINGH)**
Prince **JUDGE**
Whether speaking/reasoned Yes/No
Whether reportable Yes/No