

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No. 5887 of 2014 (O&M)
Date of Decision: May 04, 2018.

Geeta Devi and others

.....APPELLANT(s).

VERSUS

Sukhwinder Singh and others

.....RESPONDENT(s).

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S.Sidhu, Advocate
for the appellants.

Mr. Upinder Kumar, Advocate for
Mr. Subhash Goyal, Advocate
for respondent No. 3.

Mr. Aman Mittal, Advocate for
Mr. A.S.Sidhu, Advocate
for respondent No. 6.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Ropar (later referred to as 'the Tribunal') for death of Piara Singh (later referred to as 'the deceased'), in a motor vehicle accident on the intervening night of 03.06.2012 with Truck Tralla bearing registration no. HP-12-C-3181.

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

3. The Tribunal vide award dated 23.07.2013 awarded compensation of ₹11,03,000 to claimants-appellants, which was computed as follows:-

(i)	Name of the deceased	Piara Singh
(ii)	Age of the deceased	36 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹6000
(iv)	30% addition towards future prospects	₹6000 + ₹1800 = ₹7800 p.m.
(v)	1/4 th of (iii) above Deducted towards personal expenses	₹7800 - ₹1950) = ₹5850 p.m.
(vi)	Compensation calculated after applying the multiplier of 15	(₹5850 X 12 X 15) = ₹1053000
(vii)	Funeral expenses	₹10,000/-
(viii)	Loss of consortium	₹5,000/-
(ix)	Loss of estate	₹5,000/-
(x)	Loss of care and guidance	₹30,000/-
Total		₹11,03,000/-

4. Learned counsel for the appellants has argued that deceased Piara Singh was 36 years of age. As per law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) R.C.R.(Civil) 1009***, claimants are entitled to 40% addition in income of the deceased towards future prospects, while the Tribunal has allowed 30% addition in income of the deceased on this score. The Tribunal has allowed compensation of ₹50,000/- under conventional heads which is to be enhanced to ₹70,000/-.

5. Learned counsel for the respondents have not disputed the law settled by Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi and others, (supra)*** and grant of compensation to the claimants accordingly.

6. In case of ***National Insurance Company Limited Vs. Pranay Sethi and others, (supra)***, Hon'ble Apex Court has observed that 40% addition in income of the deceased in the motor vehicle accident, who was in

private job or self employed, is to be allowed towards future prospects and the compensation under conventional heads has been fixed as ₹70,000/-. While computing the amount of compensation in this case, the Tribunal has allowed 30% addition in income of the deceased towards future prospects, which is enhanced to 40% on this score and the amount of compensation awarded under the conventional heads is enhanced from ₹50,000/- to ₹70,000/-

7. In view of my above discussion compensation, to which claimants-appellants are entitled, is computed as follows:-

(i)	Monthly income of the deceased as assessed by the Tribunal	₹6000 per month
(ii)	40% of (i) above added towards future prospects	(₹6000+ ₹2400)= ₹8400 per month
(iii)	1/4 th of (ii) above deducted towards personal expenses	(₹8400 - ₹2100) = ₹6300 per month
(iv)	Compensation calculated after applying the multiplier of 15 in view of age of the deceased	(₹6300 X 12 X 15) = ₹11,34,000
(v)	Compensation under conventional heads i.e. loss of consortium, loss of estate and funeral expenses	₹70,000
Total		₹12,04,000/-

8. As a sequel of my discussion above, the instant appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimant for death of Piara Singh is enhanced from ₹11,03,000/- to ₹12,04,000/-. Liability to pay the amount of compensation shall be as per award. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of instant appeal till actual realization. Respondent no.3-Insurance Company being insurer of the offending vehicle will deposit the share of claimants in their bank accounts

or pay the same through demand drafts. Claimants will share the enhanced

amount of compensation as per award.

9. In the event of demise of any of the claimant(s) before disbursement of his/her share, the same shall be apportioned equally amongst others surviving claimants.

May 04, 2018

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**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No