

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

FAO No. 3992 of 2016

Date of decision:- 11.05.2018

Sapna and others

---Appellants.

Versus

Jarnail Singh and others

---Respondents.

CORAM: HON'BLE Mr. JUSTICE AVNEESH JHINGAN

Present:- Mr. Ashish Gupta, Advocate,
for the appellants.

Mr. Surinder Garg, Advocate,
for respondent Nos.1 and 2.

Mr. D. R. Bansal, Advocate,
for respondent No.3.

AVNEESH JHINGAN J. (Oral)

The present appeal arises from the award dated 31.08.2015 passed by Motor Accident Claims Tribunal, Faridkot (for short 'the Tribunal').

On 30.03.2015, a motor vehicular accident took place. Ashwani Kumar, aged 36 years, was standing with his brother at about 4.30 PM, a bus bearing registration No.PB-30N-3178 struck Ashwani Kumar Sharma. He along with his two wheeler fell down and suffered injuries. He was taken to Civil Hospital, Jaitu, where he was declared brought dead. FIR No. 30 dated 30.03.2015 was registered.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') has been filed by the widow and two minor children of the deceased.

The Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle. The income of the deceased was assessed as ₹6,000/- per month. Deduction of 1/3rd was made towards self expenses and a multiplier of 15 was applied. The Tribunal awarded a sum of ₹8,45,000/- along with interest at the rate of 6% per annum. The amount awarded included ₹1 lac for loss of consortium and ₹25,000/- for funeral expenses.

The present appeal has been filed by the appellants for enhancement of compensation.

Respondent No.1 is the driver of the offending vehicle. Respondent No.2 is the owner of the offending vehicle and respondent No.3 is insurer of the offending vehicle.

I have heard learned counsel for the parties and perused the case file as well as relevant documents produced by them.

Learned counsel for the appellants argued that no future prospects have been added by the Tribunal while calculating the amount of compensation.

On the other hand learned counsel for the respondent contended that amount awarded under the conventional heads is on the higher side.

There is no dispute between the parties regarding the monthly income assessed, multiplier applied and deduction made for self expenses by the Tribunal.

The contention raised by the learned counsel for the appellants deserves acceptance. Having due regard to the decision of the Supreme Court in case **National Insurance Company Ltd. Vs. Pranay Sethi and Others 2017 AIR (SC) 5157** and **Hem Raj Vs. Oriental Insurance**

Company Ltd., 2017 DNJ 1102, 40% future prospects are to be added as the deceased was below 40 years of age. It has further been held that the amounts of ₹15,000/- for loss of estate, ₹15,000/- for funeral expenses and ₹40,000/- towards loss of consortium are to be awarded.

For the reasons mentioned above, the compensation is recalculated as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	₹6,000/- per month
(ii)	40% added towards future prospects	₹6,000+2,400=8,400/-
(iii)	1/3 rd deduction towards self expenses of the deceased as he was bachelor	₹8,400-2,800=5,600/-
(iv)	Multiplier of 15 applied	₹5,60012X15= 10,08,000/-
(v)	Loss of estate	₹15,000/-
(vi)	Funeral expenses	₹15,000/-
(vii)	Loss of consortium	₹ 40,000/-
	Total Compensation Awarded (iv)+(v)+(vi)+(vii)	₹10,78,000/-

The award dated 31.08.2015 is modified to the extent that the amount awarded of ₹8,45,000/- is enhanced to ₹10,78,000/-.

The appellants/claimants would be entitled to interest at the rate of 6% per annum on the enhanced amount from the date of filing of the claim petition till realization of the amount.

Accordingly, the present appeal is partly allowed to the above extent.

11.05.2018
Riya Grover

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No