IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No.524 of 2015.
Decided on:-February 22, 2018.

Sarabjeet Kaur.

………Appellant.

Versus

Karamjit Singh and others

………Respondents.

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

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Present:- Mr. Saurabh Kaushik, Advocate
for the appellant.

Mr. Ashok Jindal, Advocate
for respondents No.1 and 2.

Mr. Neeraj Khanna, Advocate
for respondent No.3-insurance company.

HARI PAL VERMA, J. (Oral)

The appellant-claimant has filed the present appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Rupnagar (for short, the Tribunal) vide award dated 17.09.2014.

Vide the impugned award, the Tribunal has awarded total compensation of Rs.17,70,000/- along with interest @ 9% per annum to the appellant-claimant on account of death of her son, namely, Harman Preet Singh, who died in a motor vehicular accident which took place on 05.10.2013.

The accident and liability are not in dispute. What is in dispute is the quantum of compensation.

Learned counsel for the appellant-claimant has argued that deceased Harman Preet Singh was 22 years of age and was getting a salary of Rs.23,237/- per month on the date of his death. He was working as a Sepoy in the Indian Army. The Tribunal has awarded compensation of Rs.17,70,000/- by applying a wrong multiplier of '13' as per the age of the claimant, whereas the multiplier of '18' should have been applied as per the age of the deceased. The amount has not been awarded in terms of the judgment passed by Hon'ble Supreme Court in ***National Insurance Company Limited Versus Pranay Sethi and others 2017(4) RCR (Civil) 1009***.

On the other hand, learned counsel for respondents No.1 and 2 as well as respondent No.3-insurance company have argued that the Tribunal has awarded adequate compensation and there is no scope of interference with the same.

I have heard learned counsel for the parties.

There is no dispute that deceased Harman Preet Singh was 22 years of age and was drawing a salary of Rs.23,237/- per month at the time of his accidental death. It is also not in dispute that the multiplier of '13' has been applied as per the age of the claimant, which should have been '18' as per the age of the deceased. Since the deceased was in permanent job, the claimant is also entitled compensation for future prospects and the amount under the conventional heads in view of the law laid down by the Apex Court in ***Pranay Sethi and others' case (supra).*** However, while making such addition, income tax is required to be deducted from the awarded compensation.

In this manner, with the assistance of learned counsel for the parties, this Court finds that the award passed by the Tribunal needs modification and the appellant-claimant is required to be awarded compensation in accordance with the following tabulated form:

Monthly income of deceased.		Rs.23,237/-
Future prospects.	(50% of Rs.23,237/-)	Rs.11,619/-
Total monthly income.	(23237+11619)	Rs.34,856/-
Annual income.	(34,856 x 12)	Rs.4,18,272/-
Deduction of income tax @ 10%.	(4,18,272/10)	Rs.41,827/-
Annual income after deduction of income tax.	(4,18,272 – 41,827)	Rs.3,76,445/-
Deduction towards personal expenses of deceased.	(1/2 of annual income)	Rs.1,88,222/-
Annual dependency of the claimant.	(3,76,445 – 1,88,222)	Rs.1,88,223/-
Multiplier.	(as per age of the deceased)	'18'
Total loss of dependency.	(1,88,223 x 18)	Rs.33,88,014/-
Conventional heads.	Loss of estate	Rs.15,000/-
	Funeral expenses	Rs.15,000/-
Total amount of compensation.	(33,88,014 + 15,000 + 15,000)	Rs.34,18,014/- (Rounded off as Rs.34,18,000).
Amount already awarded by the Tribunal.		Rs.17,70,000/-
Enhancement.	(34,18,000 – 17,70,000)	Rs.16,48,000/-

Further, in view of the judgment passed in ***Pranay Sethi and others' case (supra)***, the rate of interest awarded by the Tribunal i.e. 9% per annum is also modified to 7.5% from the date of filing of the claim petition till its realization.

Accordingly, the present appeal is allowed and the award dated 17.09.2014 passed by the Tribunal is modified to the aforesaid extent. Consequently, the appellant-claimant is awarded total amount of compensation of Rs.34,18,000/- (Rupees thirty four lakhs and eighteen thousand) instead of Rs.17,70,000/- along with interest @ 7.5% from the date of filing of the claim petition till its realization. The appellant shall be paid additional amount of Rs.16,48,000/- over and above the amount granted by the Tribunal.

(HARI PAL VERMA)
JUDGE

February 22, 2018
Yag Dutt

Whether speaking/reasoned: Yes

Whether Reportable: No