

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 7415 of 2014 (O&M)
Date of Decision : 23.03.2018

Reshma Devi and othersAppellants

Versus

Vishwanath and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ramandeep Singh, Advocate
for the appellants.

Ms. Sonia Rani, Advocate
for respondents no. 1 and 2.

Mr. Rajbir Singh, Advocate
for respondent no. 3-Insurance Company.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Sirsa (later referred to as ‘the Tribunal’) for death of Labh Singh (later referred to as ‘the deceased’), in a motor vehicle accident on 02.06.2011 with TATA 407 bearing registration no. HR-39-A-2298 (later referred to as ‘the offending vehicle’).

2. As the only issue involved in this appeal is enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.
3. The Tribunal vide award dated 03.01.2014 awarded compensation of ₹8,80,000/- to claimants-appellants, which was computed as follows:-

(i)	Name of the deceased	Labh Singh
(ii)	Age of the deceased	40 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹6000
(iv)	1/4 th of (iii) above deducted towards personal expenses	₹6000- ₹1500) = ₹4500 per month

(v)	Compensation calculated after applying the multiplier of 15	(₹4500X12X15) = ₹810000
(vi)	Loss of consortium	₹25000
(vii)	Loss of love and affection	₹20000
(viii)	Loss of Estate	₹15000
(ix)	Funeral expenses	₹10000
Total		₹880000

4. Learned counsel for appellants has confined his submission only for grant of 25% addition in income of the deceased towards future prospects as per law settled by Hon’ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.**

5 Learned counsel for respondent no. 3-Insurance Company could not rebut the contention of learned counsel for appellants that claimants are entitled to 25% addition in income of the deceased towards future prospects as the deceased was 40 years of age at the time of his death. He has, however, argued that claimants are not entitled to any compensation for loss of love and affection.

6. I agree with learned counsel for respondent no. 3 that in view of observations of Hon’ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009,** compensation under conventional heads is to be confined to loss of estate, loss of consortium and funeral expenses. Keeping in view the year of accident, a compensation of ₹60,000/- is awarded under the conventional heads.

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)	25% of (i) above added towards future prospects	(₹6000+ ₹1500)= ₹7500 per month

(iii)	1/4 th of (ii) above deducted towards personal expenses	(₹7500- ₹1875) = ₹5625 per month
(iv)	Compensation calculated after applying the multiplier of 15	(₹5625X12X15) = ₹1012500
(v)	Loss of consortium, loss of estate and funeral expenses	₹60000
Total		₹1072500

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 claimants for death of Labh Singh is enhanced from ₹8,80,000/- to ₹10,72,500/-. 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 claimants before or after disposal of this appeal, compensation of his/her share shall be paid to surviving claimants.

March 23, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No