

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.7546 of 2014 (O&M)
Date of Decision: November 12, 2018.

Surekha and others
.....APPELLANT(s).

VERSUS

Suraj Bhan and others
.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ram Kumar Saini, Advocate
for the appellant (s).

Ms. Dimple Jain, A.A.G. Haryana.

Mr. Pradeep Kumar, Advocate
for respondent No.3-insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Bhiwani (hereinafter referred to as 'the tribunal') vide award dated 07.05.2014 allowed compensation of ₹8,76,800/- for death of Purushotam, husband of appellant No.1, father of appellants No.2 to 4 and son of appellant No.5, in a motor vehicle accident with Haryana Roadways' Bus bearing registration No.HR-61B-7114.

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

The compensation awarded by the tribunal was computed as follows:-

(i)	Name of the deceased	Purushotam
(ii)	Age of the deceased	25 years

(iii)	Income of the deceased	₹5,600/- p.m. (including future prospects)
(iv)	Deduction towards personal expenses	₹5600-1400=₹4200 p.m. i.e. ₹50,400/- p.a.
(v)	Multiplier applied 17	₹50400X17 = ₹856800/-
(vi)	Compensation for loss of consortium, loss of estate and funeral expenses	₹20,000/-
<i>Total</i>		₹8,76,800/-

Learned counsel for the appellants has argued that the deceased was a vendor and the tribunal has taken his income as ₹5600/- including the future prospects. At the time of accident, the minimum wages for unskilled worker prescribed by the State Government were ₹5212/- per month and even if that wages are taken, the claimants are also entitled to 40% addition in the income of the deceased towards future prospects and ₹70,000/- towards funeral expenses, loss of consortium and loss of estate. As per school leaving certificate (Ex.P5), deceased was 25 years of age and the tribunal has applied the multiplier of 17 which keeping in view the age of the deceased should be 18 as per law settled in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009.***

Learned counsel for insurance company has not disputed the grant of compensation on account of addition in the income of the deceased towards future prospects, loss of consortium, loss of estate and funeral expenses in view of the observations of Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***. He has not disputed the application of multiplier of 18 as per the age of the deceased and also admitted that minimum wages for unskilled worker were ₹5212/- per month at the time of accident.

In view of the above submissions of learned counsel for the parties, the compensation to which the claimants are entitled, is reassessed as follows:-

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Income of the deceased	₹5212 (rounded of ₹5220 per month).
(ii)	40% of above (i) to be added as future prospects	(₹5220+₹2088)= ₹7308 per month
(iii)	Deduction of 1/4 th towards personal expenses of the deceased	(₹7308-₹1827)= ₹5481 per month
(iv)	Compensation after multiplier of 18 is applied	(₹5481X12X18)= ₹1183896
(v)	Loss of consortium	₹40000
(vi)	Loss of estate	₹15000
(vii)	Funeral expenses	₹15000
<i>Total</i>		₹12,53,896/-

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹8,76,800/- to ₹12,53,896/- for death of Purushotam. Liability to pay the amount of compensation shall be as per award. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants as follows:-

- (i)

Appellant-claimant No.1-widow

: 40%
- (ii)

Appellants-claimants No.2 to 5

: 15% each

Respondent-insurance company will deposit the shares of appellants-claimants No.1 and 5 in their bank accounts or pay the same through demand drafts. The shares of minor appellants No.2 to 4, who as per their age given at the time of filing of the petition are still minor, will be

deposited in some nationalized bank as fixed deposit till the period they attain majority. It is, however, made clear that the bank may take the documents regarding the age of the minors as required at the time of deposit of the amount and the minors shall not be asked to bring the fresh order from the Tribunal to get the payment of the amount deposited in their names after the date of attaining majority. The above direction has been issued to save minor claimants from unnecessary harassment caused due to directions the bank usually gives to bring the order of the Tribunal to get the payment even after attaining the age of majority. The claimants shall also be entitled to costs of this appeal. In case of demise of any of above claimant(s) before his/her share of compensation is disbursed, the same shall be apportioned equally amongst other surviving claimants.

November 12, 2018.

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No