

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 7586 of 2014 (O&M)
Date of Decision : 06.03.2018

Gurmel Singh and others

.....Appellants

Versus

Gurwinderjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

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

None for respondent no. 1.

Mr. A.P. Kaushal, Advocate
For Mr. Kuldeep Singh Saini, Advocate
for respondent no. 2.

None 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, SAS Nagar Mohali (later referred to as 'the Tribunal') for death of Surjit Kaur (later referred to as 'the deceased'), in a motor vehicle accident on 09.07.2012 with Maruti Van bearing no. PB-70-9450 (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. Learned counsel for appellants has sought enhancement of compensation as per law laid down by Hon'ble Apex Court in case of

National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4)

RCR (Civil) 1009. He has argued that the deceased was 44 years of age and

was working as peon in Guru Gobind Singh School, Shakti Enclave,

Dhakoli. She was earning ₹40,000/- per annum. Claimants are entitled to 25% addition in income of the deceased towards future prospects besides compensation of ₹70,000/- under the conventional heads.

4. Learned counsel for the respondent while not disputing the grant of compensation as per law laid down by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, has argued that the Tribunal while computing amount of compensation has applied the multiplier of 15 while for the age group of 41 to 45, multiplier as per observations of Hon'ble Apex Court in case of ***Sarla Verma and ors. vs. Delhi Transport Corporation and another, (2009) 6 SCC 121*** is 14.

5. On giving a careful thought to submissions of learned counsel for parties, I find that as per law laid down by Hon'ble Apex Court in case of ***Pranay Sethi***, claimants are entitled to 25% addition in income of the deceased towards future prospects and a sum of ₹70,000/- on conventional heads. However, the multiplier attracted in this case is 14 and not 15 as applied by the Tribunal as per observations of Hon'ble Apex Court in case of ***Sarla Verma (supra)***.

6. In view of above, the compensation to which claimants are entitled is reassessed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Surjit Kaur
(ii)	Age of the deceased	44 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹3300 per month
(iv)	25% of (iii) above added towards future prospects	(₹3300+ ₹825)= ₹4125/- per month
(v)	1/3 rd of (iv) above deducted towards personal expenses	(₹4125- ₹1375) = ₹2750 per month

(vi)	Compensation calculated after applying the multiplier of 14 in view of age of mother of the deceased	(₹2750X12X14) = ₹462000
(vii)	Compensation for loss of estate	₹15000
(viii)	Compensation for funeral expenses	₹15000
(ix)	Compensation for loss of consortium	₹40000
Total		₹532000

7. 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 Surjit Kaur is enhanced from ₹4,03,000/- to ₹5,32,000/-. 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.

March 06, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No