

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.8050 of 2014 (O&M)
Date of Decision: February 09, 2018.

Babli and others

.....APPELLANT(s).

VERSUS

Radhey Shyam and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Dheeraj Narula, Advocate
for the appellant (s).

Mr. D.P. Gupta, Advocate
for respondent No.3-insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as 'the tribunal') vide award dated 26.10.2013 allowed compensation of ₹20,82,600/- for death of Rajender Kumar, husband of appellant No.1, father of appellants No.2 and 3, in a motor vehicle accident with Truck/Trolla bearing registration No.RJ-13G/8373.

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 was computed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Rajender Kumar
(ii)	Age of the deceased	47 years
(iii)	Income of the deceased	₹235800/- p.a. (after deducting income tax.

(iv)	Deduction towards personal expenses	₹235800-78600=₹157200 p.a.
(v)	Multiplier applied 13	₹157200X13 = ₹2043600/-
(vi)	Loss of consortium	₹10000
(vii)	Loss of love and affection	₹25000
(viii)	Funeral expenses	₹2000
(ix)	Transportation	₹2000
Total		₹20,82,600/-

Learned counsel for the appellants has argued that the deceased, who was aged 47 years, was self employed and claimants are entitled to addition of 25% in the income of the deceased towards future prospects and are also entitled to compensation of ₹40,000/- for loss of consortium and ₹15,000/- towards funeral expenses as per the observations in case of *National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009*.

Learned counsel for insurance company though has not conceded the submissions of learned counsel for the appellants but could not rebut the same in view of the observations of Hon'ble Apex Court in case of *National Insurance Company Limited Vs. Pranay Sethi and others (supra)*.

Taking note of the observations in the aforesaid case of *National Insurance Company Limited Vs. Pranay Sethi and others (supra)*, the compensation to which the claimants are entitled, is computed as follows:-

Sl.No.	Heads	Calculation
(i)	Income of the deceased	₹235800 per annum
(ii)	25% of above (i) to be added as future prospects	(₹235800+₹58950)= ₹294750.

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(iii)	Deduction of 1/3 rd towards personal expenses of the deceased	(₹294750-₹98250)= ₹196500 per month
(iv)	Compensation after multiplier of 13 is applied	(₹196500X13)= ₹2554500/-
(v)	Loss of consortium	₹40000
(vi)	Funeral expenses	₹15000
<i>Total</i>		₹26,09,500/-

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 ₹20,82,600/- to ₹26,09,500/- for death of Rajender Kumar. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned as follows:-

- (i) Smt. Babli, widow : 50%
- (ii) Rohit, (iii) Sonia : 25% each

Respondent No.3-insurance company will deposit the shares of appellants-claimants in their bank accounts or pay the same through demand drafts. The claimants shall also be entitled to costs of this appeal. The counsel fee is assessed ₹20,000/-.

February 09, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***