

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.6519 of 2015 (O&M)
Date of Decision: January 18, 2018.

Satish Kumar and another
.....APPELLANT(s).

VERSUS

Ramesh Kumar and others
.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajeev K. Saini, Advocate
for the appellant (s).

Mr. Veerinder Singh, Advocate for
Mr. Puneet Sharma, Advocate
for respondent No.4-insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Karnal vide award dated 11.05.2015 allowed compensation of ₹10,00,000/- for death of Amit Kumar, son of appellants in a motor vehicle accident with Govt. Bus bearing registration No.HR-69B-6592.

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 tribunal computed the compensation as follows:-

(i)	Name of the deceased	Amit Kumar
(ii)	Age of the deceased	20 years
(iii)	Income of the deceased	₹8100 p.m.
(iv)	Deduction towards personal expenses @ 1/2	₹8100-4050=₹4050 p.m. i.e. ₹48600 p.a.
(v)	Multiplier applied 18	₹48600X18 = ₹874800

(vi)	Loss of love and affection and care	₹100000
(vii)	Funeral expenses	₹25000
Total		₹9,99,800/- (rounded off ₹10,00,000/-.

Learned counsel for the appellants has confined the relief claimed in this appeal only for grant of addition of 40% in the income of the deceased towards future prospects as per the law laid down by Hon'ble Apex Court 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)*. He has, however, argued that the tribunal has allowed compensation of ₹1 lakh towards loss of love and affection and ₹25,000/- towards funeral expenses, which is not admissible if the law laid down in case of *National Insurance Company Limited Vs. Pranay Sethi and others (supra)* is applied to the present case.

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	₹8100 per month
(ii)	Deduction of 1/2 towards personal expenses of the deceased	₹8100-4050=₹4050 p.m.
(iii)	40% of above (ii) to be added as future prospects	(₹4050+₹1620)= ₹5670 per month

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(iv)	Compensation after multiplier of 18 is applied	(₹5670X12X18)= ₹1224720
(v)	Loss of estate	₹15000
(vi)	Funeral expenses	₹15000
<i>Total</i>		₹12,54,720/-

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 ₹10,00,000/- to ₹12,54,720/- for death of Amit 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 between the claimants in equal shares. Respondent No.4-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. In case of demise of any of above claimant(s), his/her share of compensation shall be given to other surviving claimant. The counsel fee is assessed ₹20,000/-.

January 18, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No