

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 8181 of 2014 (O&M)
Date of Decision : May 04, 2018

Smt. Ompati and others

....Appellants

Versus

Dharambir @ Kala and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arun Luthra, Advocate
for the appellants.

Mr. Kulvir Narwal, Advocate
for respondent No. 1.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Sonipat (later referred to as ‘the Tribunal’) for death of Naresh (later referred to as ‘the deceased’), in a motor vehicle accident on 04.11.2011 with jeep bearing registration no. HR-18-1717.

2. As the only issue involved in this appeal is qua quantum of compensation as awarded by Tribunal, detailed facts of the case are being skipped for the sake of brevity.
3. The Tribunal vide award dated 10.03.2014 awarded compensation of ₹3,49,000/- to claimants-appellants, which was computed as follows:-

(i)	Name of the deceased	Naresh
(ii)	Age of the deceased	27 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹6000

(iv)	1/2 of (iii) above deducted towards personal expenses	₹6000-₹3000) = ₹3000 per month
(v)	Compensation calculated after applying the multiplier of 9	(₹3000 X 12 X9) = ₹324000
(vi)	Funeral expenses	₹25000
Total		₹349000

4. Learned counsel for the appellants has sought enhancement of compensation as per the law settled by Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) R.C.R.(Civil) 1009***. He has argued that deceased-Naresh was 27 years of age, as such, claimants are entitled to 40% addition in income of the deceased towards future prospects and the multiplier while computing the amount of compensation is to be applied as per age of the deceased. The claimants are also entitled to compensation of ₹30,000/- under the conventional heads.

5. Learned counsel for respondent No. 1 has not disputed the law settled by Hon'ble Apex Court in the case of ***Pranay Sethi (supra)***,

6. Hon'ble Apex Court in case of ***Pranav Sethi (supra)*** has observed that in the case of deceased in a motor vehicle accident, who was self employed and less than 40 years of age, the claimants are entitled to 40% addition in income of the deceased towards future prospects and multiplier is to be applied as per age of the deceased. The claimants are also entitled to compensation of ₹15,000/- towards funeral expenses and ₹15,000/- towards loss of estate as per the observations in case of ***Pranay Sethi (supra)***,

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
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(ii)	40% of (i) above added towards future prospects	(₹6000 + ₹2400) = ₹8400 p.m.
(iii)	1/2 of (ii) above deducted towards personal expenses	(₹8400- ₹4200) = ₹4200 p.m.
(iv)	Compensation calculated after applying the multiplier of 17 in view of age of the deceased	(₹4200X12X17) = ₹856800
(v)	Compensation towards loss of estate	₹15000
(vi)	Compensation towards funeral expenses	₹15000
Total		₹886800

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 claimant-appellant No. 1 for death of Naresh is enhanced from ₹3,49,000/- to ₹8,86,800/-. 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. Respondents no. 1 to 3 being driver and legal heirs of owner of offending vehicle will deposit the enhanced amount of compensation in the bank account of claimant No. 1 or pay the same through demand draft.

May 04, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No