

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No. 5865 of 2016(O&M)

Date of decision: 20.11.2018

Kanchan Bala and others

.....Appellants

VERSUS

Nahar and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vivek Suri, Advocate for the appellants.

Mr. S.P. Arora, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Raman Kumar @ Raman in a motor vehicular accident that took place on 02.10.2015

The Motor Accidents Claims Tribunal, Patiala (in short 'the Tribunal') has awarded compensation of Rs.13,84,000/- detailed hereunder:-

Monthly income of the deceased	Rs.8000/-
Deduction for personal expenses	1/4 th
Multiplier	17
Loss of dependency	Rs.12,24,000/-
Loss of love and affection, deprivation of protection, social security etc. to family members	Rs.1 lakh
Loss of love and affection, pain and suffering, loss of consortium, deprivation	

of protection, social security etc.
to widow Rs.50,000/-

Funeral and ritual expenses Rs.10000/-

The sole submission made by counsel for the claimants is that claimants are entitle to addition in income for future prospects at the rate of 40% as the deceased was less than 30 years of age.

Counsel for the insurance company, on the contrary, would urge that compensation allowed under conventional heads needs to be reduced.

The claimants are entitle to addition in income for future prospects at the rate of 40% in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.** In this manner, loss of dependency is calculated at Rs.17,13,600/-[Rs.16,32,000/- (Rs.8000/- x 12 x 17) + Rs.6,52,800/- (40% towards future prospects) – Rs.5,71,200/- (1/4th deduction towards personal expenses)]

Under conventional heads, the Tribunal has allowed a sum of Rs.1,60,000/-. When the case is examined in the light of judgment of Hon'ble the Supreme Court **Pranay Sethi and others case** (supra) and **Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram and others, Civil Appeal No.9581 of 2018 arising out of SLP (Civil) 3192 of 2018**, claimants shall be entitled to Rs.1,50,000/- detailed hereunder:-

Loss of consortium to claimants No.1 to 3 Rs.1,20,000/-
(Rs.40,000/- each)

Expenses on last rites Rs.15,000/-

Loss to estate

Rs.15,000/-

In view of the above, total compensation comes to Rs.18,63,600/- and additional amount is Rs.4,79,600/- (Rs.18,63,600/- - Rs.13,84,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to claimants No.1 to 3 in equal ratio. The amount falling to share of minors shall be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

NOVEMBER 20, 2018

‘D. Gulati’

Whether speaking/reasoned

Whether reportable

(REKHA MITTAL)

JUDGE

yes/no

yes/no