

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

FAO No.9849 of 2014 (O&M)

Date of Decision:22.02.2018

Kishan Singh and others

.....Appellants

Vs.

Baldev Singh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. M.S. Atwal, Advocate for the appellants.

Mr. Veerinder Jit Singh, Advocate for Mr. Puneet Sharma,
Advocate for respondent No.3- NIA.

Mr. N.S. Gill, Advocate for Mr. Munish Gupta, Advocate
for respondent No.4.

Ms. Nimarta Kaur, Advocate for Mr. Sunil Agnihotri,
Advocate for respondent No.5.

RAMENDRA JAIN, J. (Oral)

CM No.27241-CII of 2014

For the reasons mentioned in the application, the same is allowed. Delay of 71 days in refiling the appeal is condoned.

FAO No.9849 of 2014

In this appeal, the appellants- claimant have sought enhancement of compensation by modifying the impugned award dated 15.03.2014 of the learned Motor Accident Claims Tribunal, Hoshiarpur.

In nutshell, Suraj Kumar aged 21 years and unmarried died in a motor vehicle accident on 24.09.2012. FIR No.117 on the same date under Sections 304-A/279/337 and 427 IPC was registered qua the accident in

question.

The parents and three sisters of the deceased Suraj Kumar filed a claim petition under Section 166 of the Motor Vehicles Act before the learned Tribunal at Hoshiarpur, who after holding trial granted compensation of ₹5 lakhs to the appellants- claimant along with interest @ 9% per annum vide impugned award dated 15.03.2014.

Learned counsel for the appellants- claimant contends that the learned Tribunal has not granted any compensation to the appellants- claimant towards future prospects of the deceased in view of **National Insurance Co. Ltd. v. Pranay Sethi and others**, 2017(4) RCR (Civil) 1009. That apart, compensation under conventional heads has also been awarded quite less.

On the other hand, counsel for the respondents vehemently opposed the submissions of learned counsel for the appellants.

Having given considerable thought, this Court finds that the appellants- claimant are entitled to enhanced compensation to the tune of ₹2,10,400/- over and above the compensation already awarded by the Tribunal below in the following terms in view of the authority referred above:-

The Tribunal assessed the income of the deceased at ₹4,500/- per month to which future prospects at the rate of 40% has to be added. On adding the same, income of the deceased comes to ₹6,300/- per month. Since the deceased- Suraj Kumar was bachelor at the time of his death, therefore, 50% deduction has to be made towards his personal expenses.

After deducting the same, the dependancy of the claimants upon the

deceased comes to ₹3,150/- per month, i.e. ₹37,800/- per annum.

It is not disputed that at the time of his death, the deceased was 21 years of age, therefore, multiplier of 18 has to be applied. After applying the same compensation amount comes to ₹6,80,400/-. Besides it, ₹30,000/- has to be awarded to the appellants under conventional heads and after adding the same total compensation amount comes to ₹7,10,400/-.

Since the appellants- claimant have already been granted compensation of ₹5 lakhs therefore, now the compensation over and above payable to the appellants- claimant comes to ₹2,10,400/- for which they are held entitled along with interest @ 9% per annum from the date of filing of the petition till realisation.

The respondents are directed to deposit the aforesaid enhanced compensation within one month from today before the Tribunal and shall be disbursed to the appellants- claimant in proportion as arrived at and discussed by the learned Tribunal.

Disposed of.

February 22, 2018
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(RAMENDRA JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No