In the High Court of Punjab and Haryana at Chandigarh

FAO-995-2014 (O&M)
Date of Decision:- 15.5.2018

Amarjit Kaur ....Appellant

Versus

Satnam Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kushagra Mahajan, Advocate
for the appellant

Mr. Suvir Dewan, Advocate
for respondent No.3.

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GURVINDER SINGH GILL J.

1. Amarjit Kaur has filed this appeal seeking enhancement of compensation as awarded by the learned Tribunal on account of death of her son Satnam Singh in vehicular accident which occurred on 10.1.2012.

2. The claim petition was opposed by the respondents i.e. by the Driver, owner and insurer of the offending vehicle. The learned Tribunal, upon appreciating the evidence of record, held that the accident in question had occurred on account of rash and negligent driving on part of the Driver of the offending vehicle and consequently awarded compensation to the claimant Amarjit Kaur to the tune of ₹ 6,58,000/-.

3. The learned counsel for the claimant, while assailing the impugned award, has submitted that the learned lower Court while assessing compensation has not taken into account the *"future prospects"* and has awarded a meager amount under the statutory heads of funeral expenses and loss to estate.

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4. I have heard the learned counsel for the parties.

5. A perusal of impugned award shows that while taking the age of the deceased to be 23 years, a multiplier of 18 has been applied to his assessed dependency of ₹ 3,000/- after assessing his income as ₹ 6,000/-. However, no amount has been added to the above assessed dependency on account of advancement in '*future prospects'* which as per the dictum of Hon'ble the Supreme Court in *(2017) 16 SCC 680 - National Insurance Company Ltd. vs. Pranay Sethi and others* and bearing in mind the age of the deceased, should have been added to the above said income/dependency to the tune of 40%. Thus, by adding 40% to the aforesaid dependency of ₹ 3,000/-, the amount would work out to ₹ 4,200/- (3,000 + 40% = 4200). In other words, the annual dependency would work out to ₹ 50,400/- (4,200 x 12 = 50,400). By applying a multiplier of 18, as has been correctly applied by the Tribunal, the compensation would work out to ₹ 9,07,200/- (50,400 x 18 = 9,07,200)

6. I further find that the compensation under the statutory heads i.e. loss to estate and funeral expenses also needs to be enhanced and as such, the claimant is held entitled to an amount of ₹ 15,000/- towards loss to estate; and ₹ 15,000/- towards funeral expenses. Thus, the total compensation works out to ₹ 9,37,200/-.

7. The appeal accordingly merits acceptance and the awarded compensation is enhanced from ₹ 6,58,000/- to ₹ 9,37,200/- payable along with interest @ 7 ½ %, by respondent No. 1 to 3 jointly and severally.

15.05.2018 **(Gurvinder Singh Gill)**
kamal **Judge**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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