

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 7948 of 2009

Date of Decision: 11.12.2018

Harpreet Kaur and others

...Appellants

VERSUS

Mustkim and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Bansal, Advocate
for the appellants.

Mr. Subhash Goyal, Advocate
for respondent no. 3.

SURINDER GUPTA, J.(Oral)

This is appeal filed by claimants-appellants seeking enhancement of compensation as allowed by Motor Accident Claims Tribunal, Panipat (later referred to as 'the Tribunal') vide award dated 06.09.2016 for death of Gurdeep Singh (later referred to as 'the deceased') in a motor vehicle accident with tractor-trolley bearing registration no. UP-14V-6731 (later referred to as 'the offending vehicle').

2. The Tribunal allowed compensation of ₹10,97,268/-. Claimants have sought enhancement of compensation as awarded by the Tribunal on the short ground that the Tribunal as per law settled by Hon'ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009** has not made any addition in income of the deceased towards future prospects.

3. Learned counsel for respondent no. 3-Insurance Company has not disputed that claimants are entitled to compensation as per law settled by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***. He has, however, pointed out that while allowing compensation under the conventional heads,

the Tribunal has awarded compensation of ₹1,35,000/-, which is to be restricted to ₹70,000/-.

4. As learned counsel for both the parties have not disputed the grant of compensation as per law laid down by Hon’ble Apex Court in case of *Pranay Sethi (supra)*, compensation awarded by the Tribunal is re-assessed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Gurdeep Singh
(ii)	Age of the deceased	30 years
(iii)	Monthly income of the deceased as prescribed by State Government	₹6290
(iv)	40% of (iii) above added towards future prospects	(₹6290+₹2516)= ₹8806 per month
(v)	1/4 th of (iv) above deducted towards personal expenses (as applied by the Tribunal)	(₹8806- ₹2202) = ₹6604 per month
(vi)	Compensation calculated after applying the multiplier of 17 (as applied by the Tribunal)	(₹6604X12X17) = ₹1347216
(vii)	Compensation for loss of consortium	₹40000
(viii)	Compensation for loss of estate	₹15000
	Compensation for funeral expenses	₹15000
Total		₹1417216 (rounded off to ₹1417220)

5. 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 claimants for death of Gurdeep Singh is enhanced from ₹10,97,268/- to ₹14,17,220/-. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of instant appeal till actual realization. Respondent no. 3-Insurance Company being insurer of the offending vehicle will deposit the share of claimants in their bank accounts or pay the same through demand drafts. Claimants will share the enhanced amount of compensation as per award.

6. The share of claimants-appellants No. 2, 3 and 6, who are minor, will be deposited in some nationalized bank as fixed deposit till the period they attain majority. It is, however, made clear that the bank may take the documents regarding age of minor as required at the time of deposit of the amount and they shall not be asked to bring fresh order from the Tribunal to get the payment of the amount deposited in his names after the date of their attaining majority. The above direction has been issued to save claimants from unnecessary harassment caused due to directions, the bank usually give to bring the order of Tribunal to get the payment even after attaining the age of majority. Claimant-appellant no. 1-Harpreet Kaur, being mother and natural guardian of minor claimants shall be entitled to get interest on the share of minor deposited with bank, on monthly, quarterly, half yearly or annual basis, as per her convenience to meet expenses of their brought up.

7. In the event of demise of any of the claimants before or after disposal of this appeal, compensation of his/her share shall be paid to surviving claimants.

December 11, 2018

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No