

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3338 of 2017

Date of Decision : 18.12.2018

Shriram General Insurance Co. Ltd.

....Appellant

Versus

Hansira and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Punit Jain, Advocate
for the appellant.

Mr. Parmod Parmar, Advocate
for respondents no. 1 to 3.

Surinder Gupta, J. (Oral)

Appellant-Insurance Company has filed this appeal against award dated 14.12.2016 passed by Motor Accident Claims Tribunal, Rewari (later referred to as 'the Tribunal') awarding compensation of ₹34,90,000/- to claimants-respondents no. 1 to 3 for death of Arashad Khan (later referred to as 'the deceased'), in a motor vehicle accident with truck bearing registration no. HR-55J-0959 (later referred to as 'the offending vehicle').

2. Learned counsel for the parties are *ad idem* that compensation as awarded by the Tribunal be computed 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.**

3. The Tribunal while computing amount of compensation allowed 50% addition in income of the deceased towards future prospects and also awarded compensation of ₹2,50,000/- under the conventional heads.

addition in income of the deceased towards future prospects and compensation granted under the conventional heads, the amount of compensation is recalculated in view of observations of Hon’ble Apex Court in case of *Pranay Sethi (supra)*, as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Monthly income of the deceased as assessed by the Tribunal	₹15000 per month
(ii)	40% of (i) above added towards future prospects	(₹15000 + ₹6000)= ₹21000 per month
(iii)	1/3 rd of (ii) above deducted towards personal expenses	(₹21000 - ₹7000) = ₹14000 per month
(iv)	Compensation calculated after applying the multiplier of 18	(₹14000X12X18) = ₹3024000
(v)	Compensation for loss of estate	₹15000
(vi)	Compensation for funeral expenses	₹15000
(vii)	Compensation for loss of consortium	₹40000
<i>Total</i>		₹3094000

As a sequel of my above discussion, this appeal has merit and the same is allowed. The compensation allowed to claimants-respondents no. 1 to 3 is reduced from **₹34,90,000/-** to **₹30,94,000/-**. The appellant-Insurance Company is entitled to recover the excess amount of compensation from the claimants-respondents no. 1 to 3, if already paid.

December 18, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No