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

**FAO-987-2003 (O&M)
Date of decision:-14.02.2019**

Charanjit Kaur and others

....Appellants

Versus

Harjinder Singh and others

....Respondents

CORAM: HON'BLE Mr. JUSTICE AVNEESH JHINGAN

Present:- Mr. A.S.Salar, Advocate for
Mr. S.S.Salar, Advocate
for the appellants.

None for the respondents.

AVNEESH JHINGAN J. (Oral)

The award dated 02.12.2002 passed by the Motor Accident Claims Tribunal, Sangrur (for short 'the Tribunal') has been assailed by the widow, minor son and the parents of Jaswinder Singh (deceased) seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act').

None has put in appearance on behalf of the respondents in spite of service.

The bare facts emanating from the record are that on 12.01.2000, Jaswinder Singh was travelling in a Jeep bearing registration No. PND-5572 which was driven by one Chota Ram. On their way, the Jeep was struck by a Truck bearing registration No. HR-46/7168 (for short 'the offending vehicle'). As a result of the impact, the Jeep turned turtle.

Jaswinder Singh sustained injuries and died on the spot. FIR was registered at Police Station Bhawanigarh.

A claim petition was filed under Section 166 of the Act and it was pleaded that the deceased was 21 years old and was an agriculturist. It was further stated that he owned 50 Bighas of land and his earning was between ₹10,000/- to ₹12,000/- per month. But the claimants failed to substantiate the earning of the deceased and the fact that the deceased was owner of 50 Bighas land. The Tribunal assessed earning of the deceased as ₹24,000/- per annum, ₹ 10,000/- were deducted for self-expenses and multiplier of '18' was applied. The Tribunal awarded a sum of ₹ 2,52,000/- along with interest @ 9% per annum.

The Tribunal after considering the facts and appreciating the evidence adduced held that the accident was caused due to the rash and negligent driving of the offending vehicle. The owner, driver and the insurer of the offending vehicle were held jointly and severally liable to pay the compensation.

Heard learned counsel for the appellants and perused the paper book and the relevant documents produced by them.

Learned counsel for the appellants contends that no future prospects have been awarded. Deduction of ₹10,000/- for self expenses has wrongly been made instead of 1/3rd. His grievance is that no amount has been awarded under conventional heads. No other issue has been raised.

The contention raised by learned counsel for the appellants deserves acceptance.

Having due regard to the decisions of the Supreme Court in

National Insurance Company Limited Vs. Pranay Sethi and others AIR

2017 SC 5157 and Hem Raj Vs. Oriental Insurance Company Ltd. 2018

(2) PLR 480, as the deceased was 21 years of age at the time of accident and would come in the category of self-employed or having fixed wages, 40% future prospects are awarded.

As per the decision of the Supreme Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another (2009) 6 SCC 21**, 1/3rd deduction is to be made as the deceased was survived by 04 dependents.

As per the the decision of the Supreme Court in **Pranay Sethi's case (supra)**, the claimants are entitled to ₹ 15,000/- each for funeral expenses and for loss of estate. ₹ 40,000/- is awarded to the widow on account of loss of consortium. There is no dispute regarding application of multiplier of '18'.

In view of above discussion, the compensation is recalculated as under:-

<i>Particulars</i>	<i>Amount (in ₹)</i>
Annual income of the deceased as assessed	24,000/-
40 % Future Prospects	9600/-
Sub Total	33,600/-
1/3 rd deduction for self expenses	11,200/-
Applying multiplier of '18'	4,03,200/-
Funeral Expenses	15,000/-
Loss of Estate	15,000/-
Loss of consortium	40,000/-
Grand Total	4,73,200/-

The award dated 02.12.2002 is modified to the extent that the amount of ₹ 2,52,000/- awarded by the Tribunal is enhanced to ₹4,73,200/-.

The appellants shall be entitled to the enhanced amount alongwith interest at the rate as awarded by the Tribunal from the date of filing of the claim petition till the realization of the amount.

The appeal is allowed in the afore-said terms.

14th February, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>