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

**FAO No.418 of 2003 (O&M)
Date of Decision: March 20, 2019.**

Bimal Kaur and others

..........APPELLANT(s).

VERSUS

Darshan Singh and another

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vivek Suri, Advocate
for the appellant (s).

Mr. Suman Jain, Advocate
for respondent No.2-insurance company.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'the tribunal') vide award dated 16.11.2002 allowed compensation of ₹2,95,100/- for death of Darshan Singh, husband of appellant-claimant No.1, father of appellants No.2 to 4 and son of appellant No.5, in a motor vehicle accident with truck bearing registration No.PB-13-C-7313.

As the only issue pressed in this appeal relates to quantum of compensation as awarded by tribunal, detailed facts of the case are being skipped for the sake of brevity.

The compensation awarded by the tribunal was computed as follows:-

(i)	Name of the deceased	Darshan Singh
(ii)	Date of accident	26.02.2001
(iii)	Age of the deceased	28 years
(iv)	Income of the deceased	₹2100 p.m.
(v)	Deduction of 1/3rd towards personal expenses	₹2100-700=₹1400 p.m.
(vi)	Multiplier applied 17	₹1400X12X17 = ₹2,85,600/-
(vii)	Funeral expenses	₹2000
(viii)	Loss of consortium	₹5000
(ix)	Loss of estate	₹2500
	Total	₹2,95,100/-

Learned counsel for the appellants has argued that deceased Darshan Singh was employed as S.P.O. and as per salary certificate Ex.P1, he was getting salary of ₹70/- per day. As per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009,*** claimants are entitled to addition of 50% in the income of the deceased towards loss of future prospects and are also entitled to compensation under the conventional heads. He has further argued that the deceased had left behind 5 dependants and as per the law settled by Hon'ble Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121,*** deduction of 1/4th is to be made from the income of the deceased towards his personal expenses, while the tribunal has deducted 1/3rd from the income of the deceased.

Learned counsel for respondent No.2-insurance company has not disputed the law laid down by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)*** and ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr.***

(supra).

The deceased, who was a Government employee, was 28 years of age at the time of accident and left behind 5 dependants and in view of the law laid down by Hon'ble Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra),*** deduction of 1/4th is to be made from the income of the deceased. As per the law settled in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra),*** claimants are entitled to addition of 50% in the income of the deceased towards loss of future prospects. The accident took place in the year 2001. Keeping in view the money value prevailing at that point of time, claimants are allowed a lump sum compensation of ₹40,000/-under the conventional heads.

As a sequel of my above discussion, the compensation to which the claimants are entitled, is reassessed as follows:-

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased	₹2100 per month
(ii)	50% of above (i) to be added as loss of future prospects	(₹2100+₹1050)= ₹3150 per month
(iii)	Deduction of 1/4th towards personal expenses of the deceased	(₹3150-₹788)= ₹2362 per month
(iv)	Compensation after multiplier of 17 is applied	(₹2362X12X17)= ₹4,81,848/-
(v)	Compensation under the conventional heads	₹40000
Total		₹5,21,848/- (rounded off **₹5,21,850/-**

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹2,95,100/- to ₹5,21,850/- for death of Darshan Singh. Liability to pay the amount of compensation shall be as per award.

The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants as follows:-

(i)	Appellant-claimant No.1-widow	: 60%
(ii)	Appellants-claimants No.2 to 5	: 10% each

Respondent-insurance company will deposit the shares of appellants-claimants in their bank accounts or pay the same through demand drafts. The claimants shall also be entitled to costs of this appeal.

In case of demise of any of above claimant(s) before his/her share of compensation is disbursed, the same shall be apportioned equally amongst other surviving claimants.

(SURINDER GUPTA)
JUDGE

March 20, 2019.
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***