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

FAO No. 614 of 1990 (O&M)
Date of Decision: April 04, 2019.

Diwan Chand and another

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

VERSUS

Haryana Roadways Ambala and others

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

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anurag Sharma, Advocate for
Ms. Poorva Gupta, Advocate
amicus-curiae for the appellant (s).

Mr. Ajit Bhardwaj, AAG Haryana with
Mr. Arjun Singh, AAG Haryana
for respondents No.1 and 2.

Mr. Rajbir Singh, Advocate for
Mr. Vijay Kumar Garg, Advocate
for respondent No.4-insurance company.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the tribunal') vide award dated 15.05.1990 allowed compensation of ₹97000/- for death of Krishan Kumar, son of appellants, in a motor vehicle accident with Haryana Roadways Bus bearing registration No.HRX-1665.

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	Krishan Kumar
(ii)	Date of accident	10.07.1988
(iii)	Age of the deceased	22 years
(iv)	Income of the deceased	₹2000 p.m.
(v)	Dependency after making deductions	₹500 p.m. i.e. ₹6000 p.a.
(vi)	Multiplier applied 16	₹6000X16 = ₹96000/-
(vii)	Damage to the motorcycle of deceased	₹1000
Total		₹97,000/-

I have heard learned counsel for the parties and perused the paper book with their assistance.

Deceased was 22 years of age and was unmarried. The claimants are his parents. Without Challenging income of the deceased assessed as ₹2000/- per month by the tribunal, learned counsel for appellants has pressed for allowing of addition in his income towards future prospects and application of multiplier as per law settled by Hon'ble Supreme Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009***.

Learned counsel for respondents have not disputed the law as laid down by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra).***

The law with regard to application of multiplier, addition in income of deceased towards future prospects has been settled by Hon'ble Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121,*** and ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***. This petition was filed under Section 110-A of Motor Vehicles Act, 1939, which is equivalent to the provisions of Section 166 of Motor Vehicles Act, 1988, as such, compensation as per law settled by Hon'ble Apex Court in aforesaid cases can be awarded to the claimants. They are entitled to 40% addition in the income of the deceased towards loss of future prospects. Deduction towards personal expenses of the deceased is to be made 1/2 of his income and multiplier attracted in this case is 18. Keeping in view the fact that accident had taken place in the year 1988 and money value prevailing at that point of time, claimants are entitled to a lump sum compensation of ₹15,000/- under the conventional heads. The amount of ₹1000/- allowed as damage to the motorcycle of the deceased, is also maintained.

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	₹2000 per month
(ii)	40% of above (i) to be added as loss of future prospects	(₹2000+₹800)= ₹2800 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹2800-₹1400)= ₹1400 per month
(iv)	Compensation after multiplier of 18 is applied	(₹₹1400X12X1_)= ₹3,02,400
(v)	Compensation under the conventional heads	₹15000
(vi)	Compensation for damage to the motorcycle of deceased	₹1000
Total		₹3,18,400/-

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 ₹97,000/- to ₹3,18,400/- for death of Krishan Kumar. Liability to pay the amount of compensation shall be as per award. Keeping in view the fact that in the year 1988 till early 2000, banks were allowing higher rate of interest, the enhanced amount of compensation will carry interest @ 9% 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-father	: 20%
(ii)	Appellants-claimants No.2-mother	: 80%

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 paid to surviving claimant.

(SURINDER GUPTA)
JUDGE

April 04, 2019.
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No