

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

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**FAO No. 1122 of 2003 (O & M)
Date of Decision : 2.4.2019**

Nirmala and others

.....Appellants

v.

Satinder Kumar and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. Govind Rana, Advocate, for the appellants

Mr. Neeraj Khanna, Advocate, for
Mr. Ravinder Arora, Advocate, for respondent No. 3

KULDIP SINGH, J. (Oral)

Nirmala and other legal heirs of Dalbir have filed this appeal for enhancement of compensation awarded by the Motor Accidents Claims Tribunal (in short 'the Tribunal'), Panipat vide award dated 3.6.2002.

Brief facts of the case are that on 13.6.1999 at about 7:30 p.m., Dalbir Singh-deceased, aged about 30 years, accompanied by Satbir and Satyawar were coming on a scooter bearing registration No. HR-31-9763, being driven by Dalbir Singh when a mini bus bearing registration No. HR-32A-3741 came from opposite side rashly and negligently and hit down their scooter. As a result of accident, Dalbir Singh died.

The Tribunal took the earning of the deceased to be Rs.4000/- p.m. and after deducting 1/4th for personal expenses, took the dependency to be Rs.3000/- p.m. and applied the multiplier of 18 and awarded compensation of Rs.6,48,000/-. In addition, Rs.5000/- were allowed on account of last rites and

total compensation of Rs.6,53,000/-was allowed.

I have heard learned counsel for the parties and perused the record available on file.

The law regarding the grant of compensation has been settled by the Constitution Bench of Hon'ble Supreme Court in '**National Insurance Co. Ltd. v. Pranay Sethi and others, 2017 (4) RCR (CrL.) 409 SC.'**

In view of the law laid down by the Hon'ble Apex Court in **Pranay Sethi's case** (supra), 40% was to be added towards future expenses. Since, the deceased was self employed, therefore, the income of the deceased is taken as Rs.4000/-plus 1600/- i.e. total Rs.5600/-, from which 1/4th deducted towards personal expenses and the dependency comes to Rs.4200/-. Since, the age of the deceased was 30, by applying multiplier of 17, amount of compensation comes to (Rs. 4200 X 12 X 17) Rs.8,56,800/-. For the conventional and funeral expenses, loss of estate and loss of consortium a sum of Rs.70,000/-is allowed. Thus, total compensation comes to Rs.9,26,800/-.

Consequently, the appeal is allowed to the above noted extent and the amount of compensation would enhance to Rs.9,26,800/-and is to be disbursed in accordance with law, along with interest, as allowed by the Tribunal.

(KULDIP SINGH)
JUDGE

2.4.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No