

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

**IOIN-FAO-1619-2004 in/and
FAO-1619-2004 (O&M)
Date of decision : 8.4.2019**

Parvinder Dhanny and others

.....Appellants

Versus

Sarabjit Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Ekta Thakur, Advocate for the appellants.

Mr. Suvir Dewan, Advocate for respondent No. 3.

Ms. Monika Jangra, Advocate for
Ms. Vandana Malhotra, Advocate for respondent No. 6.

KULDIP SINGH, J.

Present appeal is against the Award dated 5.3.2004 (Annexure A-1) passed by Motor Accident Claims Tribunal Chandigarh (for short 'the Tribunal') for enhancement of compensation awarded by the Tribunal.

Heard.

Undisputed facts of the case are that Ranjit Singh Dhanny aged about 52 years and 9 months, who was working as a Manager in Punjab and Sind Bank died in a motor vehicle accident on 9.4.2002. The proved income of the deceased was Rs. 22,407/- and after deduction of income tax, income was taken as Rs. 21084/-. Rs. 7,000/- was taken as the personal expenses of the deceased and multiplier of 9 was applied. Accordingly compensation to the tune of Rs. 15,12,000/- was allowed to the claimants. Besides this, Rs. 18,000/- was allowed for loss of consortium and Rs. 10,000/- as last rites ceremony. Therefore, the total amount of compensation of Rs. 15,40,000/- was awarded to the appellants.

In view of law laid down by a Constitution Bench of the Hon'ble Supreme Court in *National Insurance Company Limited Versus Pranay Sethi and others, 2017 (4) RCR (Civil) 1009*, I find that 15% as future prospectus are to be added which comes to Rs. 3150/-. Therefore, the income of the deceased comes to **Rs. 21450/-** $\frac{1}{4}^{\text{th}}$ i.e. Rs. 6037/- are deducted as personal expenses. The dependency of the claimants come to Rs. 18113/-. Considering the age of the deceased, multiplier of 11 is to be applied. The amount of compensation comes to Rs. 2390916/-. Rs. 70,000/- under the conventional head is allowed.

In view of forgoing discussion, appeal is allowed. The compensation awarded to the appellants is enhanced to Rs. 2460916/- along with 6% interest on enhanced compensation from the date of filing of the claim petition till payment.

The amount shall be paid by Oriental Insurance Company out of which the enhanced amount of 50% shall go to Mrs. Parvinder Dhanny-appellant No. 1 wife of the deceased-Ranjit Singh Dhanny as she has to run day to day affairs of the family and 25% will go to Ms. Tanya Dhanny-appellant No. 2 daughter of the deceased-Ranjit Singh Dhanny who has now become major. Remaining 25% shall be equally shared by appellants No. 3 and 4-Mrs. Harbhajan Kaur and Gopal Singh Dhanny-parents of the deceased.

Accordingly, the appeal is allowed.

(KULDIP SINGH)
JUDGE

8.4.2019
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