

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.3845 of 2004 (O&M)
Date of Decision: February 28, 2019.

Budhu Paswan and another
.....APPELLANT(s).

VERSUS

Vinod Kumar and others
.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aerika Singh, Advocate for
Mr. Sandeep Moudgil, Advocate
for the appellant (s).

Mr. R.C. Kapoor, Advocate
for respondent No.3-insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the tribunal') vide award dated 02.06.2004 allowed compensation of ₹85,000/- for death of Ram Bachan, son of appellants, in a motor vehicle accident with bus bearing registration No. HR-45-6470.

As the only issue pressed during arguments 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	Ram Bachan
(ii)	Date of accident	12.12.2002

(iii)	Age of the deceased	19 years
(iv)	Income of the deceased	₹2000 p.m. i.e. ₹24000
(v)	Deduction towards personal expenses 1/3rd	₹24000-8000=₹16000 p.a.
(vi)	Multiplier applied 5	₹16000X5 = ₹80000/-
(vii)	Last rites and transportation of dead body	₹5000
<i>Total</i>		₹85000/-

Learned counsel for the appellants has argued that the claimants are parents of the deceased, who was unmarried. 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***, affirmed in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009***, multiplier attracted in this case is 18 and claimants are entitled to addition of 40% in the income of the deceased towards loss of future prospects besides compensation under the conventional heads.

Learned counsel for respondent-insurance company has argued that the deceased was unmarried. The tribunal has deducted 1/3rd of his income towards his personal expenses while as per the law settled in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra)***, 1/2 of income of the deceased is to be deducted on this score. He has, however, not disputed grant of compensation as per law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***.

The deceased was 19 years of age. The claimants are entitled to 40% addition in the income of the deceased towards loss of future prospects. The multiplier applicable in this case is 18. As the deceased was

unmarried, deduction of 1/2 from his income is to be made towards his personal expenses. The accident took place in the year 2002 and keeping in view the price index prevailing at that time, compensation of ₹10,000/- is awarded under the conventional heads.

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

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(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	(₹1400X12X18)= ₹302400
(v)	Compensation under conventional heads	₹10000
<i>Total</i>		₹3,12,400/-

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 ₹85,000/- to ₹3,12,400/- for death of Ram Bachan. 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 : 70%
- (ii) Appellant-claimant No.2 : 30%

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.

February 28, 2019.	(SURINDER GUPTA)
<i>Sachin M.</i>	JUDGE
<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>