207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1724 of 2005
Date of Decision: 19.08.2019

Ram Kumar (since deceased) and others
.....Appellants

Versus

Jagtar Singh and others
........Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Kamal Sharma, Advocate for the appellants.

Service of respondent No.1 dispensed with vide order dated 19.8.2019.

Service of respondent No.2 dispensed with vide order dated 24.05.2019.

Mr. Sukhdarshan Singh, Advocate for respondent No.3.- Insurance Company.

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Jind (for short, the Tribunal), vide award dated 05.11.2004.

While praying for allowing the appeal, learned counsel for the appellants submitted that the Tribunal has wrongly applied the multiplier of 16, whereas, it should have been 17. Secondly, the Tribunal has wrongly made the deduction of 1/3rd. Similarly, 40% future prospects should have been granted, which the Tribunal failed to do. Lastly, nothing has been granted towards loss of funeral expenses and loss of estate, which should have been ₹30,000/-.

Learned counsel for respondent No.3-insurance company does not dispute the well settled proposition of law as per the judgment rendered by Hon'ble Apex Court in the case of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680. Accordingly, it is not disputed that the appellants are entitled to future prospects @ 40% as well as multiplier of 17 and ₹30,000/- towards loss of estate and funeral expenses.

In view of the admitted position qua the multiplier, future prospects as well as the compensation under the heads of loss of funeral expenses and loss of estate, the appellants are held entitled to multiplier of 17, future prospects @ 40% and ₹30,000/- towards loss of estate and funeral expenses.

The dispute is only qua the deduction as to whether it should be 1/2nd or 1/3rd. It has been specifically held by Hon'ble Apex Court in the case of Pranay Sethi (Supra) that in case of a bachelor, the deduction should be 50% unless the deceased is survived by large number of dependents. The deceased/appellant is the survived by his mother, two younger brothers and one sister. In the present case, the father of the appellant too died after the filing of the appeal. In these circumstances, this Court does not deem it proper to modify the deduction of 1/3rd made by the Tribunal.

In view of the above, the appellants are entitled to the enhanced as per the calculation provided as under:-

Sr. No.	**Head**	**Amount assessed**
1	Income	₹3,000/- per month (3000 x 12 = 36000 per annum)
2	Future Prospects	40% (36,000 x 40% = ₹14400) 36,000+ 14400 = ₹50400
3	Deduction	1/3rd 1/3rd of 50400 = ₹16800/- (50400 – 16800 = ₹33600/-
4	Multiplier	17
5	Compensation awarded	33600 x 17 = 5,71,200/-

Sr. No.	Head	Amount assessed
6	Conventional Heads	₹30000/-
7	Total	₹6,01,200/-
8	Compensation awarded by the Tribunal	₹3,84,000/-
9	Differences	₹601200 – 384000 = ₹217200/-

Thus, the enhanced compensation of ₹2,17,200/- be paid to the appellants within two months from today alongwith 6% interest per annum from the date of filing of claim petition. In case the said amount is not paid within two months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

19.08.2019
sandeep

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