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

FAO No.2814 of 2005
Date of Decision: 26.03.2019.

Jaspal Kaur and others. ...Appellants

Versus

Kulwant Singh and others. ....Respondents

**CORAM : HON'BLE MR. JUSTICE B.S.WALIA**

Present: Mr. R.L. Sharma, Advocate for the appellants.

Mr. R.N. Singal, Advocate for respondent No.3.

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**B.S.WALIA, J (Oral).**

1. Appeal has been filed by the widow and two sons of Daljit Singh, who died in a motor vehicular accident on 07.10.1999, seeking enhancement of compensation of ₹10,56,000/-, awarded by the learned Motor Accidents Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal').

2. Learned counsel for the appellants contends that the appeal is liable to be allowed, award modified and compensation payable enhanced by awarding future prospects as also appropriate compensation under conventional heads.

3. Per contra, learned counsel for respondent No.3/Insurance Company does not dispute the claim for appropriate compensation under conventional heads.

4. I have considered the submissions of learned counsel for the parties.

5. Learned counsel for the appellants has produced photocopy of the matriculation certificate of the deceased which reflects the date of birth of the deceased as 27.04.1949. The same reveals that as on the date of accident and death i.e. 07.10.1999, the deceased was more than 50 years of age. The learned Tribunal took into account the income of the deceased as ₹12,000/- per month, applied multiplier of '11' and by making deduction @ 1/3rd of the income of the deceased towards his personal expenses, awarded total compensation of ₹10,56,000/-.

6. Admittedly the deceased was more than 50 years of age and was working on a permanent job under the Punjab Government, therefore, in terms of paragraph No.61 (iii) of the decision of Hon'ble the Supreme Court in **National Insurance Company Ltd. versus Pranay Sethi and others, 2017(4) RCR (Civil) 1009,** addition should be made @ 15% of the established income of the deceased on account of future prospects while computing compensation.

7. As per paragraph No.61 (viii) of the decision of Hon'ble the Supreme Court in Pranay Sethi's case (supra), the appellants are entitled to ₹15,000/- on account of funeral expenses and like amount on account of loss of estate besides ₹40,000/- on account of loss of consortium.

8. In the circumstances, the appellants are held entitled to the following compensation:-

| Sr. No. | **Head** | **Amount assessed by the Tribunal** | **Amount assessed by this Court** |
|---|---|---|---|
| 1. | Income | ₹12,000/-x 12= ₹1,44,000/- | ₹12,000/-x 12 =₹1,44,000/- |
| 2. | Income Tax | Nil. | ₹17800 |

| Sr. No. | Head | Amount assessed by the Tribunal | Amount assessed by this Court |
|---|---|---|---|
| 3. | Carry Home Income | ₹1,44,000/- | ₹1,26,200/- |
| 4. | Future Prospects | Nil | 15% of ₹1,26,200/- i.e. ₹18,900/- |
| 5. | Deduction | 1/3rd of ₹144,000/- i.e. ₹48,000/- | 1/3rd of ₹1,45,100/- i.e. ₹48,367/- |
| 6. | Total Annual Income | ₹96,000/- | ₹96,833/- |
| 7. | Multiplier applied | 11 | 11 |
| 8. | Dependency | ₹96000x11=₹10,56,000/- | ₹96833x11=₹10,65,163/- |
| 9. | Funeral Expenses | Nil. | ₹15,000/- |
| 10. | Loss of Estate | Nil. | ₹15,000/- |
| 11. | Loss of spousal consortium | Nil. | ₹40,000/- |
| 12. | Interest | 9 % per annum | 9% per annum |
| | Total | ₹10,56,000/-/- | ₹11,30,163/- |

9. Accordingly, as against the compensation of ₹10,56,000/- awarded by the Tribunal along with interest @ 9 % per annum, the appellants are held entitled to award of compensation of ₹11,30,163/- along with interest @ 9% per annum w.e.f. the date of claim petition till date of payment, less amount if any already paid.

10. Accordingly, appeal is allowed and award dated 08.02.2005, passed by the learned Tribunal, Chandigarh, is modified to the extent as noted above.

**(B.S.WALIA)**
**JUDGE**

**26.03.2019.**
rajesh.k.khurana

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No