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

FAO No.3882 of 2005 (O&M)
Date of Decision: March 01, 2019.

Manjit Kaur and others

..........APPELLANT(s).

VERSUS

Ranjit Singh and another

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Jindal, Advocate
for the appellant (s).

Mr. Balwinder Singh, Advocate
for respondent No.2.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as 'the tribunal') vide award dated 08.06.2015 allowed compensation of ₹4,80,000/- for death of Jeet Singh, husband of appellant No.1, father of appellants No.2 and 3, in a motor vehicle accident with P.R.T.C. Bus bearing registration No.PB-11-P-7406.

As the only issue raised in this appeal 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	Jeet Singh

(ii)	Date of accident	22.10.2003
(iii)	Age of the deceased	55 years 6 months 5 days
(iv)	Marital Status	Married
(v)	Number of dependants	3
(vi)	Income of the deceased	₹6815 p.m.
(vii)	Carry home salary of the deceased	₹6080
(viii)	Deduction towards personal expenses 1/3	₹6080-2080=₹4000 p.m. i.e. ₹48000 p.a.
(vi)	Multiplier applied 10	₹48000X10 = ₹480000/-
Total		₹4,80,000/-

Learned counsel for the appellants has argued that the deceased was posted and Engine Driver (FGM) in the office of Garrison Engineer, MIL Station, Bathinda. He was drawing monthly salary of ₹6,815/- but the tribunal while assessing his monthly income, has taken his carry home salary after excluding his contribution towards GPF and CGEIS. GPF and contribution to EIS scheme is part of salary and cannot be excluded while assessing income of the deceased. He has further argued that as per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009,*** claimants are entitled to addition of 15% in the income of the deceased towards loss of future prospects and are also entitled to compensation under the conventional heads. The multiplier applicable in this case is 11.

Learned counsel for insurance company has argued that though the claimants have alleged the age of the deceased as 49 years. He was 55 years 6 months of age. The tribunal has rightly applied the multiplier of 10 while computing the amount of compensation. He has, however, not disputed the grant of compensation to the claimants as per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***.

It has not been disputed that date of birth of the deceased was 17.04.1948 and on the date of accident, he was 55 years 6 months and 5 days old. Learned counsel for claimants has drawn my attention to observations of Hon'ble Apex Court in case of ***Shashikala and others vs. Gangalakshmamma and another***, ***2015 (9) SCC 150***, wherein applicability of multiplier of 14 while computing amount of compensation for the deceased in a motor vehicle accident, who was 45 years 05 months and 28 days old, was held as justified. Observations of Hon'ble Apex Court in above referred case are reproduced as follows:-

> "17. Insofar as appropriate multiplier, the date of birth of the deceased as per driving licence was 16.6.1961. On the date of accident i.e. 14.12.2006, the deceased was aged 45 years, 5 months and 28 days and the tribunal has taken the age as 46 years. Since the deceased has completed only 45 years, the High Court has rightly taken the age of the deceased as 45 years and adopted multiplier 14 which is the appropriate multiplier and the same is maintained. Total loss of dependency is calculated at ₹16,82,310/- (₹1,20,165/- x 14)."

As the deceased in this case was 55 years 06 months and 05 days old, the multiplier of 11 can be appropriately adopted. As per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra),*** claimants are entitled to 15% addition in the income of the deceased towards loss of future prospects.

Claimants examined P.G. Dhainje, Assistant Engineer, G.E. Bathinda as AW1, who has stated that Jeet Singh was their employee and was getting gross salary of ₹6,815/- and his carry home salary was ₹6080/-.

He has also placed on file the salary certificate Ex.A1 and A2.

Perusal of the both Ex.A1 and A2 shows that an amount of ₹705/- and ₹30/- were being deducted from the salary of the deceased towards GPF and CGEIS. The deduction on this score is part of the salary and cannot be ignored while assessing the monthly income of the deceased. The tribunal has erred while taking the carry home salary of the deceased instead of his gross salary. The accident had taken place in the year 2003 and keeping in view the money value at that point of time, claimants are also allowed a lump sum amount of ₹40,000/- under the conventional heads towards loss of consortium, loss of estate and funeral expenses.

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

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased	₹6815 per month
(ii)	15% of above (i) to be added as loss of future prospects	(₹6815+₹1022)= ₹7837 per month
(iii)	Deduction of 1/3rd towards personal expenses of the deceased	(₹7837-₹2613)= ₹5224 per month
(iv)	Compensation after multiplier of 11 is applied	(₹5224X12X11)= ₹689568
(v)	Compensation under the conventional heads	₹40000
Total		₹7,29,568/- (rounded off ₹7,29,570/-

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 ₹4,80,000/- to ₹7,29,570/- for death of Jeet Singh. 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-widow	: 70%
(ii)	Appellants-claimants No.2 and 3	: 15% each

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 apportioned equally amongst other surviving claimants.

(SURINDER GUPTA)
JUDGE

March 01, 2019.
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No