IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3899 of 2005 (O&M)
Date of Decision : 01.03.2019

Sita Ram and others .....Appellants

Versus

Surjit Singh and others .....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jagdish Manchanda, Advocate
for the appellants.

Mr. D.K. Mittal, DAG, Haryana
for respondents no. 2 and 3.

Mr. Neeraj Khanna, Advocate
for respondent no. 4

Surinder Gupta, J.

Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'the Tribunal') vide award dated 03.06.2005 allowed compensation of ₹2,38,500/- for death of Pawan Kumar (later referred to as 'the deceased') in a motor vehicle accident with Haryana Roadways bus bearing registration No.HR-37-6811 (later referred to as 'the offending vehicle').

2. As the only issue involved 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.

3. The compensation awarded by the Tribunal was computed as follows:-

Sr. No.	***Heads***	***Calculation***
(i)	Name of the deceased	Pawan Kumar

(ii)	Age of the deceased	20 years
(iii)	Date of accident	27.10.2004
(iv)	Marital status	Unmarried
(v)	Income of the deceased	₹3000 per month
(vi)	½ of (v) above deducted towards personal expenses	(₹3000- ₹1500) = ₹1500 per month
(vii)	Compensation calculated after applying the multiplier of 13	(₹1500X12X13) = ₹234000
(viii)	Compensation towards general damages	₹4500
Total		₹2,38,500/-

4. Learned counsel for the appellants as well as respondents are *ad idem* that claimants are entitled to compensation as per law settled by Hon'ble Apex Court in case of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009***.

5. The deceased was unmarried boy of 20 years of age. As per ratio of judgment in case of ***Pranay Sethi (supra)***, ½ income of the deceased is to be deducted towards his personal expenses. Claimants are entitled to lump sum compensation of ₹15,000/- towards loss of estate and funeral expenses. While computing amount of compensation 40% addition in income of the deceased is to be made towards loss of future prospects. The Tribunal has applied the multiplier of 13 while as per law settled by Hon'ble Apex Court in case of ***Sarla Verma and ors. vs. Delhi Transport Corporation and another, (2009) 6 SCC 121***, multiplier of 18 is attracted in this case.

6. In view of submissions of learned counsel for parties and law laid down by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, compensation awarded in this case is reassessed as follows:-

Sr. No.	*Heads*	*Calculation*
(i)	Name of the deceased	Pawan Kumar
(ii)	Age of the deceased	20 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹3000
(iv)	40% of (iii) above added towards future prospects	(₹3000+ ₹1200)= ₹4200 per month
(v)	½ of (iv) above deducted towards personal expenses	(₹4200- ₹2100) = ₹2100 per month
(vi)	Compensation calculated after applying the multiplier of 18	(₹2100X12X18) = ₹453600
(vii)	Lump sum compensation towards loss of estate and funeral expenses	₹15000
Total		**₹468600**

7. As a sequel of my discussion above, this appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimant for death of **Pawan Kumar** is enhanced from **₹2,38,500/-** to **₹4,68,600/-**. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realization. The amount of enhanced compensation shall be paid to claimant as per award. Respondent No.4-Insurance Company will deposit the share of claimant in his bank account or pay the same through demand draft.

March 01, 2019 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*