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

(I) FAO No.509 of 2005
Date of Decision: 07.03.2019

Inderjeet and others

...Appellants

Versus

Azad Singh and others

....Respondents

(II) FAO No.510 of 2005
Date of Decision: 07.03.2019.

Membati and others

...Appellants

Versus

Azad Singh and others

....Respondents

AND

(III) FAO No.511 of 2005
Date of Decision: 07.03.2019.

Mukesh and others

...Appellants

Versus

Azad Singh and others

....Respondents

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

Present: Mr. Anand Bishnoi, Advocate for
Mr. Vivek Goel, Advocate for the appellants.

Mr. D.R. Bansal, Advocate for respondent No.3.

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B.S.WALIA, J (Oral).

1. This order shall decide FAO No.509, 510 and 511 of 2005, as the same arise out of the same award and common question of law and facts are involved.

2. FAO Nos.509, 510 and 511 of 2005, have been filed by the claimants seeking enhancement of compensation on account of death of Puran Lal, Chatar Singh while Vir Pal, who died in a motor vehicular accident at the age of 50, 26 and 25 years respectively qua each of the deceased.

3. In the case of Puran Lal, the income was assessed @ ₹4000/- per month and in the case of Chatar Singh and Vir Pal, the income was assessed @ ₹3000/- per month respectively.

4. The learned Motor Accidents Claims Tribunal, Faridabad (hereinafter referred to as 'the Tribunal') on the basis of evidence led before it, awarded compensation of ₹3,20,000/-, ₹3,85,000/- and ₹3,85,000/- respectively.

5. Learned counsel for the appellants contended that since deceased Puran Lal was 50 years of age while Chatar Singh and Vir Pal were 26 and 25 years of age respectively, multiplier of '13', '17' and '18' was liable to be taken into account, secondly that appellants were entitled to appropriate compensation under conventional heads and lastly that deduction ought to have been made @ $1/4^{th}$ of the income of the deceased in the case of deceased Chatar Singh and Vir Pal on account of said deceased having left behind six dependents. Learned counsel further

contended that no addition towards future prospects had been made while computing compensation.

4. Per contra, learned counsel for respondent No.3/Insurance Company fairly does not dispute the claim for enhancement as made by learned counsel for the appellants in view of the law laid down by Hon'ble the Supreme Court in National Insurance Company Ltd. versus Pranay Sethi and others, 2017(4) RCR (Civil) 1009 and Sarla Verma Vs. Delhi Transport Corp. and another, 2009 (3) RCR (Civil) 77.

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

6. As per paragraph No.21 of the decision in Sarla Verma's case (supra), multiplier applicable in the case of a deceased aged 50 years is '13', in case of a deceased aged 26 years is '17' and in case of a deceased aged 25 years is '18'. Accordingly, it is held that multiplier of '13' would be applicable in case of deceased Puran Lal, multiplier of '17' would be applicable in the case of deceased Chatar Singh and multiplier of '18' would be applicable in the case of deceased Vir Pal.

7. As per paragraph No.61 (iv) of the decision in Pranay Sethi's case (supra), 10%, 40% and 40% of the established income of deceased, Puran Lal, Chatar Singh and Vir Pal, less tax component is to be added on account of future prospects while computing compensation on account of deceased being 50, 26 and 25 years of age respectively.

8. As regards plea for appropriate compensation under conventional heads, it needs noticing that as per paragraph No.61 (viii) of the decision in Pranay Sethi's case (supra), compensation of ₹15,000/- and

like amount is payable on account of funeral expenses and loss of estate besides ₹40,000/- on account of loss of consortium.

Accordingly, the appellants are held entitled to award of ₹15,000/- on account of funeral expenses and ₹15,000/- on account of loss of estate besides ₹40,000/- on account of loss of consortium.

9. As per paragraph No.30 of the decision of Hon'ble the Supreme Court in Sarla Verma's case (supra), where the deceased left behind 4 to 6 dependents, deduction towards personal expenses of the deceased is to be made @ $1/4^{th}$ of the income of the deceased.

Since, in the instant cases deceased, Chatar Singh and Vir Pal, left behind six dependents each, deduction is to be made @ $1/4^{th}$ of the income of the deceased towards their personal expenses as against $1/3^{rd}$ as ordered by the learned Tribunal.

10. In the circumstances, the appellants in FAO No.509 of 2005, titled Inderjeet and other vs. Azad Singh and others, and Smt. Longa (widow) who did not prefer an appeal, are held entitled to the following compensation:-

Sr. No.	**Head**	**Amount assessed by the Tribunal**	**Amount assessed by this Court**
1	Income	₹4000/-	₹4000/-
2	Future Prospects	Nil.	₹400/- i.e. 10% of ₹4000/-
3.	Total Income	₹4000/-	₹4400/-
4.	Multiplier applied	10	13
5.	Deduction	₹1330/-	$1/3^{rd}$ of ₹4400/- i.e. ₹1467/-
6.	Dependency	₹3,20,000/- (rounded off)	₹2933x12x13=₹4,57,548/-
7.	Funeral Expenses	Nil.	₹15,000/-

Sr. No.	Head	Amount assessed by the Tribunal	Amount assessed by this Court
8.	Loss of Estate	Nil.	₹15,000/-
9.	Loss of consortium	Nil.	₹40,000/-
	Total	₹3,20,000/- (rounded off)	₹5,27,548/-

11. Likewise, the appellants in FAO No.510 of 2005, titled Membati and others vs. Azad Singh and others and Smt. Dhapi (mother of deceased), who did not prefer an appeal, are held entitled to the following compensation:-

Sr. No.	Head	Amount assessed by the Tribunal	Amount assessed by this Court
1	Income	₹3000/-	₹3000/-
2	Future Prospects	Nil.	₹1200/- i.e. 40% of ₹3000/-
3.	Total Income	₹3000/-	₹4200/-
4.	Multiplier applied	16	17
5.	Deduction	1/3rd of ₹3000/- i.e. ₹1000/-	1/4th of ₹4200/- i.e. ₹1050/-
6.	Dependency	₹2000x12x16=₹3,84,000/-	₹3150x12x17=₹6,42,600/-
7.	Funeral Expenses	Nil.	₹15,000/-
8.	Loss of Estate	Nil.	₹15,000/-
9.	Loss of consortium	Nil.	₹40,000/-
	Total	₹3,84,000/- (round off to Rs.3,85,000/-)	₹7,12,600/-

12. Likewise, the appellants in FAO No.511 of 2005, Mukesh and others vs. Azad Singh and others, are held entitled to the following compensation:-

Sr. No.	Head	Amount assessed by the Tribunal	Amount assessed by this Court
1	Income	₹3000/-	₹3000/-

Sr. No.	Head	Amount assessed by the Tribunal	Amount assessed by this Court
2	Future Prospects	Nil.	₹1200/- i.e. 40% of ₹3000/-
3.	Total Income	₹3000/-	₹4200/-
4.	Multiplier applied	16	18
5.	Deduction	1/3rd of ₹3000/- i.e. ₹1000/-	1/4th of ₹4200/- i.e. ₹1050/-
6.	Dependency	₹2000x12x16=₹3,84,000/-	₹3150x12x18=₹6,80,400/-
7.	Funeral Expenses	Nil.	₹15,000/-
8.	Loss of Estate	Nil.	₹15,000/-
9.	Loss of consortium	Nil.	₹40,000/-
	Total	₹3,84,000/- (round off to Rs.3,85,000/-)	₹7,50,400/-

13. Accordingly, as against the compensation of ₹3,20,000/- awarded by the learned Tribunal in FAO No.509 of 2005, in case titled as Inderjeet and others vs. Azad Singh and others, the appellants are held entitled to award of compensation of ₹5,27,548/-. Likewise, as against compensation of ₹3,85,000/- awarded by the learned Tribunal in FAO No.510 of 2005, titled Membati and others vs. Azad Singh and others, the appellants are held entitled to award of compensation of ₹7,12,600/-. Likewise, as against compensation of ₹3,85,000/-, awarded by the learned Tribunal in FAO No.511 of 2005, titled Mukesh and others vs. Azad Singh and others, the appellants are held entitled to award of compensation of ₹7,50,400/-. The appellants are also held entitled to interest @ 9% per annum w.e.f. the date of filing of the claim petition till date of payment, less payment if any already made. The enhanced amount shall be disbursed amongst the claimants in the proportionate ratio as stipulated by the Tribunal.

14. Accordingly, the appeals are partly allowed and award dated 24.09.2004, passed by the learned Tribunal, Faridabad is modified to the extent as noted above.

(B.S.WALIA)
JUDGE

07.03.2019.
rajesh.k.khurana

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