

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

**FAO No. 4564 of 2006 (O&M)
Date of Decision: May 03, 2019.**

Rajni Bala and others

.....APPELLANTS

VERSUS

Union of India and others

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aditya Ranyal, Advocate for
Mr. Ashwani Talwar, Advocate
for the appellants.

Mr. Vivek Chauhan, Advocate
for the respondents.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as 'the tribunal') vide award dated 11.05.2005 allowed compensation of ₹3,94,000/- for death of Raj Singh @ Raju, husband of appellant No.1, father of appellants No.2 to 4 and son of appellants No.5 and 6, in a motor vehicle accident with Truck bearing registration No.90-E-63505.

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.

The compensation awarded by the tribunal was computed as

follows:-

(i)	Name of the deceased	Raj Singh @ Raju
(ii)	Date of accident	19.12.2001
(iii)	Age of the deceased	27 years
(iv)	Income of the deceased	₹3000 p.m.
(v)	1/3 rd Deduction towards personal ex- penses	₹3000-1000=₹2000 p.m. i.e. ₹24000 p.a.
(vi)	Multiplier applied 16	₹24000 X16= ₹384000/-
(vii)	Transportation and funeral expenses	₹10000/-
Total		₹394000/-

Learned counsel for the appellants has confined his submission for enhancement of compensation as awarded by the Tribunal as per the law settled by Hon'ble Apex Court in the Case of *National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009*.

Learned counsel for the respondents has no objection if the compensation awarded by the Tribunal is reassessed as per the law settled in the case of *Pranay Sethi (Supra)*.

The deceased was 27 years of age, as such, the claimants are also entitled to 40% addition in income of the deceased towards loss of future prospects. They are also entitled to compensation of ₹70,000/- under the conventional heads. The multiplier applicable as per the age of the deceased is 17 while the Tribunal applied the multiplier is 16.

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	₹3000 per month
(ii)	40% of above (i) to be added as future prospects	(₹3000+₹1200)= ₹4200 per month
(iii)	Deduction of 1/3 rd towards personal expenses of the deceased	(₹4200-₹1400)= ₹2800 per month

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(iv)	Compensation after multiplier of 17 is applied	(₹2800X12X17)= ₹5,71,200/-
(v)	Loss of consortium	₹40000
(vi)	Loss of estate	₹15000
(vii)	Funeral expenses	₹15000
<i>Total</i>		₹6,41,200/-

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 ₹3,94,000/- to ₹6,41,200/- for death of Raj Singh @ Raju. 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 per award.

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.

May 03, 2019.
Jyoti-II

Whether speaking/reasoned:

Whether Reportable:

(SURINDER GUPTA)
JUDGE

Yes/No

Yes/No