IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

FAO No.835 of 2010 (O&M)
Date of Decision: May 10, 2019.

Giana Ram and another

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

VERSUS

Naresh and others

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

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Kamlesh Kumari, Advocate for
Mr. Parminder Singh, Advocate
for the appellant (s).

Ms. Shamsher Kaur, Advocate
for respondent No.3-insurance company.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the tribunal') vide award dated 07.08.2009 allowed compensation of ₹1,85,000/- for death of Bhupinder Singh, son of appellants, in a motor vehicle accident with truck bearing registration No.HR-58-A-0786.

As the only issue pressed 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	Bhupinder Singh
(ii)	Date of accident	02.07.2006
(iii)	Age of the deceased	19 ½ years
(iv)	Income of the deceased	₹6000 p.m.
(v)	Deduction towards personal expenses 1/2	₹6000-3000=₹3000 p.m. i.e. ₹36000 p.a.
(vi)	Multiplier applied 10	₹36000X10 = ₹360000/-

(vii)	Compensation for non-pecuniary damages including mental agony, loss of estate	₹10000
Total compensation after deducting 50% on account of contributory negligence.		₹370000-185000= ₹1,85,000/-.

Learned counsel for the appellants has confined her submission only for enhancement of compensation 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***. She has argued that the deceased was 19½ years of age and the tribunal has applied multiplier of 10 instead of 18. The claimants are also entitled to addition of 40% in the income of the deceased towards loss of future prospects and are also entitled to compensation under the conventional heads. The finding of the tribunal that it was a case of contributory negligence, was not assailed by her.

Learned counsel for respondent-insurance company has no objection if the compensation awarded by the tribunal in this case is re-assessed as per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***.

The claimants, as per the law settled in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra),*** are entitled to 40% addition in the income of the deceased towards loss of future prospects and multiplier applicable in this case is 18. The accident took place in the year 2006, as such, keeping in view the price index prevailing at that point of time, claimants are entitled to ₹20,000/- under the conventional heads i.e. 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	₹6000 per month

Sl.No.	*Heads*	*Calculation*
(ii)	40% of above (i) to be added as loss of future prospects	(₹6000+₹2400)= ₹8400 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹8400-₹4200)= ₹4200 per month
(iv)	Compensation after multiplier of 18 is applied	(₹4200X12X18)= ₹907200
(v)	Loss of estate	₹10000
(vi)	Funeral expenses	₹10000
Total compensation after deducting 50% on account of contributory negligence.		₹927200-463600= ₹4,63,600/-

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 ₹1,85,000/- to ₹4,63,600/- for death of Bhupinder 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-father : 20%

(ii) Appellants-claimants No.2-mother : 80%

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 paid to other surviving claimant.

(SURINDER GUPTA)
JUDGE

May 10, 2019.
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No