IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.1543 of 2012 (O&M)
Date of Decision: May 07, 2019.

Santosh

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

VERSUS

Jagat Singh and others

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

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sumit Sangwan, Advocate
for the appellant (s).

Mr. Subhash Goyal, Advocate
for respondent No.3-insurance company.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Bhiwani (hereinafter referred to as 'the tribunal') vide award dated 17.09.2011 allowed compensation of ₹4,50,000/- for death of Vijyeta, daughter of appellant-claimant, in a motor vehicle accident with truck bearing registration No.HR-38N-6378.

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	Vijyeta
(ii)	Date of accident	29.09.2008
(iii)	Age of the deceased	25 years
(iv)	Income of the deceased	₹5000 p.m.
(v)	Deduction towards personal expenses @ ½	₹5000-2500=₹2500 p.m.

(vi)	Multiplier applied 14	₹2500X12X14 = ₹420000/-
(vii)	Compensation towards loss of estate, funeral expenses and transportation charges	₹30000
	Total	₹4,50,000/-

Learned counsel for the appellants has argued that deceased was Bachelor of Dental Surgery (B.D.S.) and was undergoing internship at the time of her death in the accident. The tribunal has taken the stipend amount, she was getting, as her income without realising the fact that being a doctor, she had a very bright future and could earn handsome amount by doing the practice as Dental Surgeon or on joining a Govt. job. Relying on the observations in case of ***Dr. B.D. Gupta Vs. Smt. R. Rani Manoranjitham 2001(2) PLR 543,*** he has argued that in that case, the income of the deceased, who was doing internship, was assessed as ₹12,000/- per month. He has further argued that the tribunal has applied the multiplier as per age of the claimant which is to be assessed as per age of the deceased and claimant is also entitled to 40% addition in the income of the deceased towards loss of future prospects besides compensation under the conventional heads as per the observations in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009***.

Learned counsel for respondent-insurance company has argued that claimants have not produced any evidence regarding the stipend which the deceased was getting and the tribunal has rightly assessed her income as ₹5000/- per month by looking into the minimum wages prescribed for daily wagers in the year 2008. However, he has not disputed the legal proposition regarding addition in the income of the deceased towards loss of future prospects in view of the observations of Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***.

It was proved on file that the deceased after completing B.D.S. was doing her internship. The accident had taken place in September, 2008. In the case of ***Dr. B.D. Gupta Vs. Smt. R. Rani Manoranjitham(supra),*** income of the deceased, who after completing his M.B.B.S. was preparing for M.D./M.S. and was also doing internship, was assessed ₹12,000/- per month. Applying the same ratio, income of the deceased in this case is also assessed as ₹12,000/- per month. The claimant is also entitled to 40% addition in the income of the deceased towards her future prospects and the multiplier is to he applied as per the age of the deceased in view of law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra).*** As the accident had taken place in the year 2008, the claimant is also entitled to ₹30,000/- under the conventional heads i.e. funeral expenses and loss of estate.

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	₹12000 per month
(ii)	40% of above (i) to be added as loss of future prospects	(₹12000+₹4800)= ₹16800 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹16800-₹8400)= ₹8400 per month
(iv)	Compensation after multiplier of 18 is applied	(₹8400X12X18)= ₹1814400
(v)	Loss of estate	₹15000
(vi)	Funeral expenses	₹15000
Total		₹18,44,400/-

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellant-claimant is enhanced from ₹4,50,000/- to ₹18,44,400/- for death of Vijyeta. 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. Respondent-insurance company will deposit the amount of enhanced compensation with interest in the bank account of appellant-claimant or pay the same through demand draft. The claimant shall also be entitled to costs of this appeal.

(SURINDER GUPTA)
JUDGE

May 07, 2019.
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***