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

**FAO No.80 of 2011 (O&M)
Date of Decision: March 08, 2019.**

Sunita Devi and others

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

VERSUS

Rajeev Sharma and others

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

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Somesh Gupta, Advocate
for the appellant (s).

Mr. Lalit Kumar, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No.3-insurance company.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, SAS Nagar, Mohali (hereinafter referred to as 'the tribunal') vide award dated 07.05.2010 allowed compensation of ₹13,80,060/- for death of Ujjagar Singh, husband of appellant No.1, father of appellants No.2 to 4 and son of appellant No.5, in a motor vehicle accident with car bearing registration No. PB-65C-2279.

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	Ujjagar Singh
(ii)	Date of accident	19.04.2009
(iii)	Age of the deceased	34 years
(iv)	Income of the deceased (as assessed by the tribunal)	₹11500 p.m.
(v)	Deduction of 1/3rd towards personal expenses	₹11500-3833=₹7667 p.m. i.e. ₹92004 p.a.
(vi)	Multiplier applied 15	₹92004X15 = ₹1380060/-
Total		₹13,80,060/-

Learned counsel for the appellants has argued that the deceased was 34 years of age and in view of ratio of law laid down by Hon'ble Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121,*** the multiplier applicable in this case is 16, whereas the tribunal has wrongly applied the multiplier of 15. The deceased was posted as Crane Operator in M/s Janak Cranes, Mayapuri, Phase-II, New Delhi. The deceased has left behind five dependants, as such, deduction of 1/4th is to be made from the income of the deceased towards his personal expenses, while the tribunal has wrongly deducted 1/3rd from the income of the deceased. 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,*** claimants are 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.

Learned counsel for respondent No.3-insurance company has no objection in granting the compensation to the claimants as per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***.

The deceased was 34 years of age and has left behind five dependants. In view of ratio of law settled in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra),*** multiplier applicable in this case is 16 and deduction of 1/4th is to be made from the income of the deceased towards his personal expenses. The deceased was employee of a private concern, as such, claimants are entitled to addition of 40% in the income of the deceased towards loss of future prospects as per law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra).*** The accident had taken place in the year 2009, as such, a lump sum compensation of ₹50,000/- is allowed under the conventional heads.

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	₹11500 per month
(ii)	40% of above (i) to be added as loss of future prospects	(₹11500+₹4600)= ₹16100 per month
(iii)	Deduction of 1/4th towards personal expenses of the deceased	(₹16100-₹4025)= ₹12075 per month
(iv)	Compensation after multiplier of 16 is applied	(₹12075X12X16)= ₹2318400/-
(v)	Compensation under the conventional heads	₹50000
Total		₹23,68,400/-

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 ₹13,80,060/- to ₹23,68,400/- for death of Ujjagar 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-widow	: 45%
(ii)	Appellants-claimants No.2 to 4	: 15% each
(iii)	Appellant-claimant No.5-father	: 10%

Respondent-insurance company will deposit the shares of appellants-claimants, who are major, in their bank accounts or pay the same through demand drafts. The share of minor appellants No.2 to 4, who as per the memo of parties are still minors, will be deposited in some nationalised bank as fixed deposits till the period they attain majority. It is, however, made clear that the bank may take the documents regarding the age of the minors as required at the time of deposit of the amount and the minors shall not be asked to bring the fresh order from the Tribunal to get the payment of the amount deposited in their names after the date of attaining majority. The above direction has been issued to save the claimants from unnecessary harassment caused due to directions the bank usually give to bring the order of the Tribunal to get the payment even after attaining the age of majority. 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.

(SURINDER GUPTA)
JUDGE

March 08, 2019.
Sachin M.

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

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