

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

**FAO No.998 of 2011 (O&M)
Date of Decision: March 08, 2019.**

Manju Tyagi and others

.....APPELLANT(s).

VERSUS

Sandeep and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Raj Kumar Gaur, Advocate
for the appellant (s).

Mr. Ankit Gupta, Advocate for
Mr. V.D. Sharma, advocate
for respondent No.1 and 2.

None for respondent No.3-insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhari (hereinafter referred to as 'the tribunal') vide award dated 06.09.2010 allowed compensation of ₹6,41,000/- for death of Surinder Tyagi, husband of appellant No.1 and father of appellants No.2 and 3, in a motor vehicle accident with TATA Safari bearing registration No.HR-02-T-7474.

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	Surinder Tyagi
(ii)	Date of accident	13.11.2009
(iii)	Age of the deceased(DoB 15.07.1964 as mentioned in income tax return)	45 years 4 months approximately
(iv)	Income of the deceased	₹6000 p.m.
(v)	Deduction of 1/3 rd towards personal expenses	₹6000-2000=₹4000 p.m. i.e. ₹48000 p.a.
(vi)	Multiplier applied 13	₹48000X13 = ₹624000/-
(vii)	Loss of consortium	₹10000
(viii)	Last rites (funeral expenses)	₹7000
Total		₹6,41,000/-

I have heard learned counsel for the parties and have perused the paper book with their assistance.

The deceased at the time of accident was 45 years 4 months old. As per the law settled in case of *Shashikala and others vs. Gangalakshmamma and another, 2015 (9) SCC 150*, multiplier applicable while computing the amount of compensation in this case is 14, however, the tribunal has applied multiplier of 13. The deceased was a private entrepreneur and as per the law settled 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 25% in the income of the deceased towards loss of future prospects. The accident had taken place in the year 2009, keeping in view the money value prevailing at the relevant time, claimants are also entitled to lump sum compensation of ₹50,000/- 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	₹6000 per month

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(ii)	25% of above (i) to be added as loss of future prospects	(₹6000+₹1500)= ₹7500 per month
(iii)	Deduction of 1/3 rd towards personal expenses of the deceased	(₹7500-₹2500)= ₹5000 per month
(iv)	Compensation after multiplier of 14 is applied	(₹5000X12X14)= ₹840000
(v)	Compensation under the conventional heads	₹50000
<i>Total</i>		₹8,90,000/-

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 ₹6,41,000/- to ₹8,90,000/- for death of Surinder Tyagi. 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 | : 60% |
| (ii) | Appellants-claimants No.2 and 3 | : 20% each |

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 apportioned equally amongst other surviving claimants.

March 08, 2019.

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No