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

FAO No.850 of 2012 (O&M)
Date of Decision: May 14, 2019.

Dalip Kaur and others

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

VERSUS

Jaswant Singh and others

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

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. A.K. Khunger, Advocate
for respondent No.2.

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

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<u>SURINDER GUPTA, J.</u>

Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as 'the tribunal') vide award dated 16.08.2011 allowed compensation of ₹3,45,000/- for death of Gamdoor Singh, husband of appellant No.2, father of appellants No.3 to 5 and son of appellant No.1, in a motor vehicle accident with Bus bearing registration No.PB-05C/9997.

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	Gamdoor Singh
(ii)	Date of accident	10.09.2007
(iii)	Age of the deceased	45 years
(iv)	Income of the deceased	₹34000 per annum
(v)	Deduction towards personal expenses 1/4	₹34000-8500=₹25500 per annum
(vi)	Multiplier applied 13	₹25500X13 = ₹331500/-
(vii)	Compensation for loss of estate and funeral expenses	₹13500
Total		₹3,45,000/-

Learned counsel for the appellants has argued that the tribunal has observed that in the State of Punjab, daily wages of a labourer was more than ₹3000/- per month but assessed income of deceased as ₹34,000/- per annum instead of ₹36,000/- per annum. 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 25% in the income of the deceased towards loss of future prospects and the multiplier applicable in this case is 14 as deceased was 45 years of age. Claimants are also entitled to compensation of ₹70,000/- under the conventionsal heads.

Learned counsel for respondent-insurance company has no objection if the compensation awarded to the claimants is re-assessed as per the law settled in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***.

The tribunal while assessing income of the deceased has observed that in State of Punjab, daily wages of a labourer was ₹3,000/- per month. It was also proved that deceased was working as farm labourer and his income was assessed as ₹34,000/- per annum. As the tribunal was of the view that income of a labourer was not less than ₹3000/- per month, the same should have been taken as ₹36,000/- per annum instead of ₹34,000/- per annum. As per the law settled in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***, claimants are entitled to 25% addition in the income of the deceased towards loss of future prospects. The accident took place in the year 2007. Keeping in view the money value prevailing at that point of time, the claimants are awarded a 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	₹36000 per annum
(ii)	25% of above (i) to be added as loss of future prospects	(₹36000+₹9000)= ₹45000 per month
(iii)	Deduction of 1/4th towards personal expenses of the deceased	(₹45000-₹11250)= ₹33750 per month
(iv)	Compensation after multiplier of 14 is applied	(₹33750X14)= ₹472500
(v)	Compensation under the conventional heads i.e. loss of consortium, loss of estate and funeral expenses	₹50000
Total		₹5,22,500/-

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 ₹3,45,000/- to ₹5,22,500/- for death of Gamdoor 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-mother : 15%

(ii) Appellant-claimant No.2-widow : 40%

(iii) Appellants-claimants No.3 to 5-children : 15% 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.

(SURINDER GUPTA)
JUDGE

May 14, 2019.
Sachin M.

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

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