IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 10492 of 2014 (O&M)
Date of Decision : 26.03.2019

Rajiv Khanna ....Appellant

Versus

Jaspal Singh and others .....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.K. Bawa, Advocate
for the appellants.

Mr. N.K. Banka, DAG, Punjab
for respondents no. 1 to 3.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, SAS Nagar Mohali (later referred to as 'the Tribunal') for death of Meenakshi Khanna (later referred to as 'the deceased'), in a motor vehicle accident on 07.12.2010 with truck bearing registration no. HP-12C-6767 (later referred to as 'the offending vehicle').

2. As the only relief sought in this appeal is for enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. Learned counsel for the appellant has confined his submission only for grant of addition of 40% in income of the deceased towards loss of future prospects as per law settled by Apex Court in case of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009***.

4. Learned State counsel has argued that the deceased had left behind only her husband, as such, ½ of her income was required to be deducted towards her personal expenses. Tribunal has also allowed compensation of ₹1,25,000/- under the conventional heads, which is to be restricted to ₹70,000/- as per law settled by Apex Court in case of ***Pranay Sethi (supra)***.

5. As per law settled by Apex Court in above referred case, claimant-appellant is entitled to 40% addition in income of the deceased, who was less than 40 years of age as her date of birth was 06.02.1971 and the accident took place on 07.12.2010, towards loss of future prospects. As claimant-Rajiv Khanna is the only dependant on the deceased, ½ of income of the deceased is to be deducted towards her personal expenses and compensation awarded under the conventional heads is restricted to ₹70,000/-

6. In view of above, the compensation to which claimant is entitled, is computed as follows:-

(i)	Monthly income of the deceased as assessed by the Tribunal	₹6000 per month
(ii)	40% of (i) above added towards future prospects	(₹6000+ ₹2400)= ₹8400 per month
(iii)	1/2nd of (ii) above deducted towards personal expenses	(₹8400- ₹4200) = ₹4200 per month
(iv)	Compensation calculated after applying the multiplier of 15	(₹4200X12X15) = ₹756000
(v)	Compensation under the conventional heads	₹70000
Total		**₹826000**

7. As the compensation awarded to appellant is already higher than his entitlement as per law settled in case of ***Pranay Sethi (supra)***, the instant appeal has no merit and the same is dismissed.

March 26, 2019 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*