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

**FAO No.1908 of 2016 (O&M)**
**Date of Decision: January 31, 2019.**

New India Assurance Company Limited

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

**VERSUS**

Raj Bala and others

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

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. R.C. Kapoor, Advocate
for the appellant (s).

Mr. G.S. Dhaliwal, Advocate
for respondent No.5.

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**SURINDER GUPTA, J.**

This is appeal by New India Assurance Company Ltd. against the award dated 27.01.2016 passed by Motor Accident Claims Tribunal, Faridabad (later referred to as 'the tribunal') allowing compensation to the claimants-respondents No.1 to 3 on account of death of Sunil (later referred to as the deceased), son of claimant No.1 and brother of claimants No.2 and 3 in a motor vehicle accident on 09.12.2013 with Canter (truck) bearing registration No.PB-10-BQ-2884 (later referred to as 'the offending vehicle').

Since the appellant-insurance company has challenged the impugned award only on quantum of compensation, the detailed facts of the case are being skipped for the sake of brevity.

Learned counsel for the appellant has assailed the award of the tribunal on two counts; firstly that 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,*** the claimants could be allowed 40% addition in the income of the deceased towards loss of future prospects instead of 50% addition allowed by the tribunal and secondly, compensation under the conventional heads is to be restricted to ₹30,000/- instead of ₹1,50,000/- awarded by the tribunal.

As per the claimants, deceased was 26 years of age and as per the law settled in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra),*** the multiplier applicable in this case is 17 while the tribunal applied the multiplier of 14, keeping in view the age of claimant No.1, while computing the amount of compensation.

As per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra),*** the claimants are entitled to 40% addition in the income of the deceased towards loss of future prospects and ₹30,000/- under the conventional heads.

In view of the law settled by Hon'ble Apex Court in above referred case, the compensation to which the claimants are entitled, is re-assessed as follows:-

| *Sl.No.* | *Heads* | *Calculation* |
|---|---|---|
| (i) | Income of the deceased (as assessed by the tribunal) | ₹24708 per month |
| (ii) | 40% of above (i) to be added as future prospects | (₹24708+₹9883)= ₹34591 per month |
| (iii) | Deduction of 1/2 towards personal expenses of the deceased (as he was unmarried) | (₹34591-₹17296)= ₹17295 per month |
| (iv) | Compensation after multiplier of 17 is applied | (₹17295X12X17)= ₹3528180 |

| *Sl.No.* | *Heads* | *Calculation* |
|---|---|---|
| (v) | Loss of estate | ₹15000 |
| (vi) | Funeral expenses | ₹15000 |
| *Total* | | ₹35,58,180/- |

As per the above calculation, the amount of compensation to which the claimants are entitled to is more than the compensation of ₹32,30,000/- awarded by the tribunal, as such the present appeal filed on behalf of insurance company has no merits and is dismissed. Parties are left to bear their own costs.

**( SURINDER GUPTA )**
**JUDGE**

**January 31, 2019.**
*Sachin M.*

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

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