IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.306 of 2015 (O&M)
Date of Decision: February 20, 2019.

Geta and another

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

VERSUS

Saleem and others

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

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Akash Sridhar, Advocate for
Mr. Ashwani Talwar, Advocate
for the appellant (s).

Mr. Puneet Pali, Advocate
for respondents No.1 and 2.

None for the respondent No.3.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'the tribunal') vide award dated 14.05.2014 allowed compensation of ₹7,49,800/- for death of Ram Singh @ Nannu, husband of appellant No.1, and father of appellant No.2, in a motor vehicle accident with Truck bearing registration No.HR-38H-4456.

As the only issue involved 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	Ram Singh @ Nannu
(ii)	Age of the deceased	32 years

(iii)	Income of the deceased (as per salary certificate)	₹4,100/- p.m. i.e. ₹49,200/- per annum
(iv)	Deduction towards personal expenses @ 1/3rd	₹49,200-16400=₹32,800
(v)	Multiplier applied 16	₹32,800X16 = ₹524800
(vi)	Loss of consortium for claimant No.1.	₹100000
(vii)	Loss of care and guidance for claimant No.2.	₹100000
(viii)	Funeral expenses	₹25000
Total		₹7,49,800/-

Learned counsel for the appellants has argued that the minimum wages prescribed by the State of Haryana as on January, 2012 was ₹4,847/-. The tribunal has assessed income of the deceased as ₹4100/- per month, which is less than the minimum wages. 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.

The tribunal has assessed monthly income of the deceased as per his salary certificate Ex.R2. As specific evidence has come on record regarding income of the deceased, the same could not be assessed as per the minimum wages prescribed by the State, as such, I find no reason to differ with the observation of learned tribunal on the matter of assessment of monthly 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 (supra),*** claimants are entitled to addition of 40% in the income of the deceased towards loss of future prospects. Under the non-conventional heads, the compensation prescribed is ₹70,000/- while the tribunal has awarded compensation of ₹2,25,000/-, which is to be reduced as per the dictum of Hon'ble Apex Court in the above referred case.

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	₹4100 per month
(ii)	40% of above (i) to be added as loss of future prospects	(₹4100+₹1640)= ₹5740 per month
(iii)	Deduction of 1/3rd towards personal expenses of the deceased	(₹5740-₹1913)= ₹3827 per month
(iv)	Compensation after multiplier of 16 is applied	(₹3827X12X16)= ₹734784
(v)	Loss of consortium	₹40000
(vi)	Loss of estate	₹15000
(vii)	Funeral expenses	₹15000
Total		₹8,04,784/-

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 ₹7,49,800/- to ₹8,04,784/- for death of Ram Singh @ Nannu. 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 : 70%

(ii) Appellant-claimant No.2-minor son : 30%

Respondent-insurance company will deposit the share of appellant-claimant No.1 in her bank account or pay the same through demand draft. The share of minor Lovely-appellant No.2, who as per his age given at the time of filing of the petition is still minor, will be deposited in some nationlized bank as fixed deposit till the period he attains majority.

It is, however, made clear that the bank may take the documents regarding the age of the minor as required at the time of deposit of the amount and the minor shall not be asked to bring the fresh order from the tribunal to get the payment of the amount deposited in his name 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 claimant.

(SURINDER GUPTA)
JUDGE

February 20, 2019.
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No