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

**FAO No.6409 of 2013 (O&M)
Date of Decision: March 25, 2019.**

Versha Rani and another

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

VERSUS

Kanwar Pal and others

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

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vinod K. Kanwal, Advocate for
Mr. Ashit Malik, Advocate
for the appellant (s).

Mr. Ashish Gupta, Advocate
for respondents No.1 and 2.

None for respondent No.3-insurance company.

****

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the tribunal') vide award dated 02.09.2013 allowed compensation of ₹4,30,000/- for death of Priyanka (later referred to as 'the deceased') daughter of appellants No.1 and 2, in a motor vehicle accident with truck bearing registration No.HR-69B-1641.

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	Priyanka
(ii)	Date of accident	30.11.2011
(iii)	Age of the deceased	21 years
(iv)	Income of the deceased	₹5000 p.m.
(v)	Deduction of 1/2 towards her personal expenses	₹5000-2500=₹2500 p.m.
(vi)	Multiplier applied 14	₹2500X12X14 = ₹420000/-
(vii)	Funeral expenses and loss of estate	₹10000
Total		₹4,30,000/-

Learned counsel for the appellants has argued that the deceased was a B.Tech student and her income assessed by the tribunal as ₹5000/- per month is on lower side. He has relied on the observations of Co-ordinate Bench in case of ***Banwari Lal Vs. Sandeep Kumar and another 2016(5) R.C.R. (Civil) 229*** and ***Rekha Rani and another Vs. Ranjit Singh and another 2013 (3) R.C.R. (Civil) 770,*** where the income of young boy studying in Mechanical Engineering/ B.Tech was assessed as ₹10,000/- per month. He has further argued that the deceased was 21 years of age and the tribunal has applied multiplier of 14 while computing the amount of compensation while as per the law settled by Hon'ble Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121,*** multiplier attracted in this case is 18. 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 and are also entitled to compensation of ₹30,000/- under the conventional heads.

Learned counsel for respondents No.1 and 2 has argued that the deceased was unemployed and the tribunal has rightly assessed her income as ₹5000/- per month, which was the wages prescribed for skilled worker at that point of time, as such, the award call for no interference on this score. He has, however, not disputed the legal proposition regarding addition in the income of the deceased towards loss of future prospects, compensation under the conventional heads and applicability of multiplier in view of the observations of Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***.

The first question, which arises for consideration, is regarding income of the deceased. As per certificate (Ex.P1) issued by Seth Jai Parkash Mukand Lal Institute of Engineering & Technology (JMIT), Radaur, deceased was as student of B.Tech four years' course. The institute had also issued her a student identity card, copy of which is Ex.P2. Two students of this Institute were selected by TCS, New Delhi under campus placement for a salary package of ₹3,16,000/- per annum vide circular dated 28.03.2013 (Ex.P3).

Versha Rani, mother of the deceased, while appearing as PW1, stated that the deceased in her spare time, had been giving tuition to students of 11th and 12th classes and earning ₹15,000/- per month. The tribunal while assessing income of the deceased, observed that "in case, she had been alive, she would have got job of engineer and earning at least ₹5000/- per month as salary". In the year 2011, minimum wages for highly skilled worker were prescribed by the State of Haryana as ₹5,152.98. The deceased could not be equated with a skilled or highly skilled worker. She was doing B.Tech, which fell in executive/supervisory category of skilled/highly skilled workers. Keeping in view the above facts, I am of the opinion that income of the deceased could be take as ₹10,000/- per month. As per the law settled by Hon'ble Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra),*** multiplier applicable in this case is 18. In view of ratio of law laid down 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 and are also entitled to compensation 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	₹10000 per month
(ii)	40% of above (i) to be added as loss of future prospects	(₹10000+₹4000)= ₹14000 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹14000-₹7000)= ₹7000 per month
(iv)	Compensation after multiplier of 1_ is applied	(₹7000X12X18)= ₹1512000
(v)	Loss of estate	₹15000
(vi)	Funeral expenses	₹15000
Total		₹15,42,000/-

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 ₹4,30,000/- to ₹15,42,000/- for death of Priyanka. 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	: 70%
(ii)	Appellants-claimants No.2-father	: 30%

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 given to other surviving claimant.

(SURINDER GUPTA)
JUDGE

March 25, 2019.
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No