In the High Court of Punjab and Haryana at Chandigarh

FAO- 440 of 2015
Date of Decision: 10.5.2019

Sudhir Thakur and another

---Appellants

versus

Abdul Sattar and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Saurabh Kaushik, Advocate
for the appellants

Mr. Dinesh Maurya, Advocate,
for Mr. G.S.Sandhu, Advocate
for respondent No. 1

Mr. S.K.Pabbi, Advocate
for the insurance company

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Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Gorang Thakur in a motor vehicular accident that took place on 12.9.2013.

The Motor Accidents Claims Tribunal, Patiala (in short "the Tribunal") awarded Rs.4,84,950/-, detailed hereunder:-

Monthly income of the deceased	Rs. 4,000/-
Deduction for personal expenses	50%
Multiplier	13
Funeral expenses	Rs. 25,000/-
Medical expenses	Rs. 1,47,950/-

The plea of claimants is that the deceased was helping the claimants in running auto spare parts business under the name and style M/s

Micky Auto Parts. The Tribunal has noticed that no document was placed on record to prove this fact. The deceased was 17 years old and a student of 10+1 at the relevant time. There is nothing on record suggestive of the fact that he had any disability rendering him incapacitated to work and earn. Taking a clue from notification issued by the State of Punjab coupled with educational qualification of the deceased, notional income of the deceased is assessed at Rs. 6500/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. In this context, reference can be made to judgment of this court **National Insurance Company Ltd. Vs. Pushpa Singh Chauhan and others, FAO No.1502 of 2015, decided on 20.03.2015** affirmed by Hon’ble the Supreme Court in Special Leave Petition (C) S. No.19533 of 2015. Deduction for personal expenses applied by the Tribunal is correct and affirmed.

The Tribunal has applied multiplier of 13 in view of age of father of the deceased. The multiplier is to be applied on the basis of age of the deceased and accordingly, multiplier of 18 is admissible. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298, Munna Lal Jain vs. Vipin Kumar Sharma 2015 (3) RCR (Civil) 447**, **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270 and M/s Royal Sundaram Alliance Insurance Company Limited vs. Mandala Yadagari Goud and others 2019 AIR (SC) 1825.** In this manner, loss of dependency is calculated at Rs. 9,82,800/-[6500 x 12 x18 = 14,04,000 + 5,61,600(40%)= 19,65,600 -9,82,800(50%)].

A sum of Rs. 1,47,950/- towards medical expenses allowed by the Tribunal is affirmed.

Under conventional heads, claimants shall be entitle to Rs. 30,000/- in the light of judgments of Hon'ble the Supreme Court **Pranay Sethi and others' case (supra)** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034,** detailed hereunder:-

Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 11,60,750/- and the additional amount is Rs. 6,75,800/- (11,60,750-4,84,950), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

10.5.2019
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No