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

**FAO No.6113 of 2014 (O&M)
Date of Decision: April 12, 2019.**

Sheela Devi and others

..........APPELLANTS

VERSUS

Kapil and others

........RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. I.S. Cooner, Advocate
for the appellants.

Mr. Rajbir Singh, Advocate
for respondent No.3-Insurance Company.

****

SURINDER GUPTA, J.

Respondent No. 2 has been served but none has appeared on his behalf.

Heard.

The Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as 'the tribunal') vide award dated 22.04.2013 allowed compensation of ₹15,16,064/- for death of Surinder Kumar son of appellants No.1 and 2 and brother of appellants No.3 and 4, in a motor vehicle accident with canter bearing registration No.HP-14-B-1789.

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	Surinder Kumar
(ii)	Age of the deceased	25 years
(iii)	Income of the deceased	₹11,358 p.m. (11,358 x 12 = 1,36,296 p.a.)
(iv)	30% increase in total income	₹40888
(v)	Total income	₹1,77,184/-
(vi)	50% deduction towards personal expenses	₹177184 – ₹88592 =₹88592 p.a.
(vii)	Multiplier applied 17	₹88592 X 17 = ₹15,06,064/-
(viii)	Funeral and last rites expenses	₹5000/-
(ix)	Loss of estate	₹5000/-
Total		₹15,16,064/-

Learned counsel for the appellants has sought enhancement of compensation as awarded by the Tribunal as per the law settled by Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009***. He has argued that deceased was 25 years and 2 months of age at the time of accident, as such the multiplier applicable should be 18. The claimants are also entitled to 40% addition in income of the deceased towards loss of future prospects and compensation of ₹30,000/- under the conventional heads.

The law as laid down by the Hon'ble Apex Court in the case of ***Pranay Sethi (supra)*** has not been disputed by learned counsel for respondent No.3, as per which, 40% addition in the income of the deceased is to be made towards loss of future prospects instead of 30% as awarded by the Tribunal. The multiplier applicable is also 18 and the claimants are also entitled to compensation of ₹30,000/- 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	₹11358 per month
(ii)	40% of above (i) to be added as future prospects	(₹11358+₹4543)= ₹15901 per month
(iii)	Deduction of 1/2nd towards personal expenses of the deceased	(₹15901 -₹7950)= ₹7951 per month
(iv)	Compensation after multiplier of 18 is applied	(₹7951X12X18)= ₹17,17,416/-
(v)	Loss of estate	₹15000/-
(vi)	Funeral expenses	₹15000/-
	Total	₹17,47,416/-

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellant-claimant No.1 is enhanced from ₹15,16,064/- to ₹17,47,416/- for death of Surinder Kumar. 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.

(SURINDER GUPTA)
JUDGE

April 12, 2019.
Jyoti-II

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

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