

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 218

FAO-4579-2015
Date of decision : 23.05.2019

Renu and others

..... Appellants

VERSUS

Balwinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ashwani Arora, Advocate, for the appellants.
Ms. Madhu Sharma, Advocate, for respondent No. 3.

DEEPAK SIBAL, J. (ORAL)

The present appeal has been filed by the appellants/claimants seeking therein enhancement in the compensation granted to them by the Motor Accident Claims Tribunal Chandigarh (for short, the Tribunal) through its award dated 14.11.2014.

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 07.03.2013 Rinku (since deceased) was going on a motorcycle from Dadumajra towards Sector 40, Chandigarh. When he reached the traffic lights of Dadumajra and Sector 38/39, a bus bearing registration No. PB-11-AN-8039 (for short, the offending vehicle) struck against his motorcycle, as a result of which he received serious injuries and succumbed to them on the way to the hospital. The claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 before the Tribunal which after concluding that the offending vehicle was being driven in a rash and negligent manner, assessed the compensation payable to them, the enhancement of which is sought through the present appeal.

Learned counsel for the appellants submits that since the deceased was 38 years of age, while assessing the compensation "future prospects" @ 40% should have been added to his assessed income and that since there were five dependents upon the deceased, which included his father, while calculating

“loss on account of dependency” @ deduction of 25% and not 33% should have been applied by the Tribunal to the assessed income of the deceased.

Learned counsel for respondent No. 3-Insurance Company submits that under the conventional heads the Tribunal has granted ₹1,25,000/- to the appellants whereas as per the law laid down by the Hon'ble Supreme Court in “*National Insurance Company Limited vs. Pranay Sethi and others*” (2017)16 SCC 680, only ₹70,000/- should have been granted.

Since there were five dependents upon the deceased, which included his father, deduction of 1/4th on account of personal necessity of the deceased was required to be applied while assessing compensation under the head of “dependency” and it is so ordered.

As per *Pranay Sethi's* case (supra) since the deceased was 38 years of age, “future prospects” @ 40% are ordered to be added to his assessed income while assessing the compensation under that head.

So far as the payment of ₹1,25,000/- under the conventional heads is concerned, in view of *Pranay Sethi's* case (supra), the same is ordered to be reduced to ₹70,000/-.

No other point was urged.

On the enhanced amount, the appellants are granted interest @ 6.5% per annum from the date of filing of the claim petition by them before the Tribunal till its realization.

The appeal is allowed in the above terms.

23.05.2019
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[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No