

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 5619 of 2015 (O&M)
Date of Decision : 26.03.2019

Man Singh and another

....Appellants

Versus

Ravinder and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Shekhawat, Advocate
for the appellants.

Mr. Vishal Aggarwal, Advocate
for respondent no. 4.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Rohtak (later referred to as 'the Tribunal') for death of Kuldeep (later referred to as 'the deceased'), in a motor vehicle accident on 07.03.2012 with car bearing registration no. HR-13D-2143 (later referred to as 'the offending vehicle').

2. As the only issue involved in this appeal is prayer of appellant seeking enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. Learned counsel for the appellant has confined his submission for grant of compensation as per law settled by Hon'ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009**. He has argued that the deceased was 18 years of age and the Tribunal applied the multiplier of 13 as per age of father and not as per age of the deceased.

4. Learned counsel for respondent no. 4-Insurance Company has not disputed the grant of compensation as per law settled by Apex Court in case of **Pranay Sethi (supra)**. He has, however, argued that the Tribunal has allowed a sum of ₹1,35,000/- under the conventional heads, which is to be restricted to ₹70,000/-.

5. As learned counsel for both the parties have not disputed the grant of

compensation as per law settled by Apex Court in case of *Pranay Sethi (supra)*, the compensation, to which claimants are entitled, is computed as follows:-

(i)	Monthly income of the deceased as assessed by the Tribunal	₹6000 per month
(ii)	40% of (i) above added towards future prospects	(₹6000+ ₹2400)= ₹8400 per month
(iii)	1/2 nd of (ii) above deducted towards personal expenses	(₹8400- ₹4200) = ₹4200 per month
(iv)	Compensation calculated after applying the multiplier of 18	(₹4200X12X18) = ₹907200
(v)	Compensation towards loss of loss of estate and funeral expenses	₹30000
Total		₹937200

6. As a sequel of my discussion above, the instant appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimants for death of **Kuldeep** is enhanced from **₹6,03,000/-** to **₹9,37,200/-**. 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 instant appeal till actual realization. Respondent no. 4 being insurer of the offending vehicle will deposit the share of claimants in their bank accounts or pay the same through demand drafts. Claimants will share the enhanced amount of compensation as per award.

7. In the event of demise of any of the claimant(s) before or after disposal of this appeal, compensation of his/her share shall be paid to surviving claimant(s).

March 26, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No