IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.8238 of 2014 (O&M)
Date of Decision: March 08, 2019.

Ramesh Chander and another
..........APPELLANT(s).

VERSUS

Chhote Lal and others
........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Karan Garg, Advocate for
Mr. Rahul Deswal, Advocate
for the appellant (s).

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the tribunal') vide award dated 24.12.2013 allowed compensation of ₹6,33,000/- for death of Vikrant Sharma, son of appellants No.1 and 2, in a motor vehicle accident with Truck bearing registration No.HR45A-9649.

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	Vikrant Sharma
(ii)	Date of accident	10.07.2012
(iii)	Age of the deceased	19 years
(iv)	Income of the deceased	₹4800 p.m.

(v)	Deduction of 1/2 towards personal expenses	₹4800-2400=₹2400 p.m. i.e. ₹28800 p.a.
(vi)	Multiplier applied 18	₹28800X18 = ₹5,18,400/- (wrongly calculated as ₹5,76,000/-)
(vii)	Loss of estate	₹5000/-
(viii)	Last rites (funeral expenses)	₹5000/-
(ix)	Medical expenses	₹46,811/-
	Total	₹6,32,811/- (rounded off ₹6,33,000/-)

Learned counsel for the appellants has confined his submission only for grant of addition in the income of the deceased towards loss of future prospects and compensation under the conventional heads 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***.

The deceased as per salary slip was employed in a Call Centre. However, the tribunal has assessed his income as ₹4,800/- per month, which does not call for further enhancement. As per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***, the claimants are entitled to 40% addition in the income of the deceased, who was about 20 years of age at the time of accident, towards loss of future prospects and ₹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	₹4800 per month
(ii)	40% of above (i) to be added as loss of future prospects	(₹4800+₹1920)= ₹6720 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹6720-₹3360)= ₹3360 per month

Sl.No.	*Heads*	*Calculation*
(iv)	Compensation after multiplier of 18 is applied	(₹3360X12X18)= ₹725760
(v)	Medical Expenses (as awarded by the tribunal)	₹46811
(vi)	Loss of estate	₹15000
(vii)	Funeral expenses	₹15000
Total		₹8,02,571/- (rounded off ₹8,02,600/-)

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 ₹6,33,000/- to ₹8,02,600/- for death of Vikrant Sharma. 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-father : 20%

(ii) Appellant-claimant No.2-mother : 80%

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 paid to the surviving claimant.

(SURINDER GUPTA)
JUDGE

March 08, 2019.
Sachin M.

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

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