

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

**F.A.O. No.2322 of 2018(O&M)
Date of Decision: 13.03.2019**

Gurnam Singh and another

.....Appellants.

Versus

Kamaljit Singh and others

..... Respondents.

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Anil Kumar Spehia, Advocate
for the appellants.

Mr. D.P.Gupta, Advocate
for respondent no.3.

LISA GILL, J.

Appellant-claimants, seek enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Jalandhar (for short 'tribunal'), vide impugned award dated 11.01.2018, on account of death of Bhavjit Singh.

As per the averments in the claim petition under Section 166 of the Motor Vehicles Act (for short 'M.V.Act'), Bhavjit Singh on 14.01.2017 was travelling in Tata Indica Car bearing registration no. PB-08-CA-0884 as a passenger, which was driven by respondent no.1-Kamaljit Singh son of Amarjit Singh. Driver of the said Tata Indica car was driving the said vehicle on the wrong side and struck against Swift car bearing registration no. PB-10-CG-8029 from the front side. Occupants of both the cars received injuries in the said accident. Bhavjit Singh received multiple injuries and

died at the spot. Postmortem on the dead body of Bhavjit Singh was conducted at Civil Hospital, Phillaur, Jalandhar. FIR was registered against respondent no.1 in this respect.

Learned Tribunal concluded that the accident in question was caused due to rash and negligent driving of the offending vehicle by respondent no.1-Kamaljit Singh. Said finding of the learned tribunal has attained finality.

Income of the deceased was assessed as ₹7500/- per month. Multiplier of 17 was applied by the learned tribunal. A sum of ₹15,000/- was awarded towards loss of estate, besides a sum of ₹40,000/- was awarded towards loss of consortium and ₹15,000/- was awarded on account of funeral expenses to appellant no.1-Harjit Kaur. Learned tribunal awarded a sum of ₹8,35,000/- along with interest @ 6% per annum from the date of filing of the claim petition till realisation of the amount to the claimants.

Sole argument raised by learned counsel for the appellants is that increment on account of future prospects has not been afforded in terms of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors. 2017(4) R.C.R.(Civil) 1009**. It is thus prayed that this appeal be allowed and the compensation awarded to the appellants be enhanced.

Learned counsel for respondent no.3-Insurance Company, while refuting the above arguments, submits that compensation has been reasonably assessed by the learned tribunal and there is no scope for any enhancement. Learned counsel prays for dismissal of the appeal.

I have perused the file and heard learned counsel for the parties.

There is no dispute regarding the death of Bhavjit Singh in a motor vehicle accident which took place on 14.01.2017 due to rash and negligent driving of Tata Indica Car by its driver-respondent no.1-Kamaljit Singh. Bhavjit Singh was 26 years old at the time of the accident in which he lost his life. There is no evidence on record to indicate that he was earning income higher than as assessed by the learned tribunal nor any serious argument has been raised on this account. Income of the deceased as assessed by the learned tribunal to be ₹7500/- per month is upheld. Future prospects at the rate of 40% are afforded in view of the judgement of the Hon'ble Supreme Court in **Pranay Sethi 's case (Supra)**. Deduction of 50% applied by the learned tribunal is maintained. Multiplier of 17 has also been correctly applied by the learned tribunal.

Compensation towards the claimants on account of death of Bhavjit Singh, is thus re-worked as under:-

1.	Total income of deceased	₹7500/- p.m
2.	Deduction of 50% on account of personal expenses	₹7500/- (₹7500*50%=₹3750/-) = ₹3750/-
3.	Total income after addition of future prospects at the rate of 40%	₹3750/- (₹3750/-+ ₹1500/-) i.e. ₹5250/-
4.	Annual dependency after applying multiplier of 17	₹5250/- x 12 x 17= ₹10,71,000/-
5.	Filial consortium	₹40,000/-
6.	Funeral expenses	₹15,000/-
7.	Loss of estate	₹15,000/-
	Total Compensation =	₹11,41,000-

Claimants shall be entitled to interest on the entire compensation amount at the rate of 7.5% per annum instead of 6% from the date of filing of petition till realization. Needless to say that the amount, if

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any, already disbursed to the claimants shall stand deducted. Directions of the Tribunal in respect to manner of disbursement of compensation amount to the claimants, shall enure.

With the abovesaid modification in the amount of compensation, present appeal is disposed of.

13.03.2019
s.khan

[LISA GILL]
Judge

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