IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. FAO No. 5091 of 2017 (O&M)
Date of Decision : 21.02.2019

Universal Sompo General Insurance Co. Ltd. .....Appellant

Versus

Sukhjit Kaur and others .....Respondents

2. FAO No. 4497 of 2018 (O&M)

Sukhjit Kaur and others .....Appellants

Versus

Jagtar Singh and others .....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Chandandeep Singh, Advocate
For Mr. Sahil Abhi, Advocate
for the appellant in FAO-5091-2017 and
for respondent no. 3 in FAO-4497-2018.

Mr. Umesh Kumar Kanwar, Advocate
for appellants in FAO-4497-2018 and
for respondents no. 1 to 3 in FAO-5091-2017.

Surinder Gupta, J.

Insurer of car bearing registration no. PB-08-BX-4878 (later referred to as 'the offending vehicle') i.e. Universal Sompo General Insurance Company Ltd. has filed appeal (FAO-5091-2017), challenging the quantum of compensation awarded by Motor Accident Claims Tribunal, Kapurthala (later referred to as 'the Tribunal'), awarding compensation of ₹13,67,000/- for death of Simardeep Singh in a motor vehicle accident with the offending vehicle, while claimants (appellants in FAO-4497-2018) have sought enhancement of the same.

2. As the only issue involved in these appeals is quantum of compensation, detailed facts of the case are being skipped for the sake of

brevity.

3. During course of arguments, learned counsel for appellants in both the appeals have not disputed the assessment of monthly income of the deceased and are *ad idem* that compensation in this case is to be computed as per law laid down by Hon'ble Apex Court in case of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009***.

4. The deceased was unmarried boy of 21 years of age. As per ratio of judgment in case of ***Pranay Sethi (supra)***, ½ income of the deceased is to be deducted towards his personal expenses. Claimants are entitled to compensation of ₹30,000/- under the conventional heads. While computing amount of compensation 40% addition in income of the deceased-Simardeep Singh is to be made towards loss of future prospects

5. In view of submissions of learned counsel for parties and law laid down by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, compensation awarded in this case is reassessed as follows:-

Sr. No.	***Heads***	***Calculation***
(i)	Name of the deceased	Simardeep Singh
(ii)	Age of the deceased	21 years
(iii)	Monthly income of the deceased as assessed by the Tribunal	₹8000
(iv)	40% of (iii) above added towards future prospects	(₹8000- ₹3200)= ₹11200/- per month
(v)	½ of (iv) above deducted towards personal expenses	(₹11200- ₹5600) = ₹5600 per month
(vi)	Compensation calculated after applying the multiplier of 18	(₹5600X12X18) = ₹1209600
(vii)	Loss of estate	₹15000
(viii)	Funeral expenses	₹15000
Total		**₹1239600**

8. As a sequel of my discussion above, the appeal (FAO No. 4497

of 2018) filed by claimants is dismissed while the appeal (FAO No. 5091 of 2017) filed by Universal Sompo General Insurance Co. Ltd. is partly allowed. Award of the Tribunal is modified and the compensation allowed to claimant for death of Simardeep Singh is reduced from ₹13,67,000/- to ₹12,39,600/-. The claimants/appellants shall, however, get interest on the amount of compensation as awarded to them from the date of filing of the claim petition till actual payment.

February 21, 2019 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*