

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

FAO-3528-2018 (O&M)

Date of Decision: September 26, 2019

Smt. Mamkaur and another

Appellants

Versus

Akhilesh and others

Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Parveen Sharma, Advocate
for the appellants.

JAISHREE THAKUR, J. (Oral)

This appeal seeks to challenge award dated 15.01.2018 passed by the Motor Accident Claims Tribunal, Sonapat, wherein the appellants herein have been allowed compensation of ₹18,22,000/- on account of death of Kuldeep and on the ground that the same is inadequate and not in consonance with the judgment as rendered in **National Insurance Company Limited Vs. Pranay Sethi and others 2017 (4) R.C.R. (Civil) 1009.**

Notice of motion.

Mr. Vinod Gupta, who is on the panel of New India Assurance Company and present in Court, is directed to accept notice. A copy of the paper book has been supplied to him in Court.

I have perused the award and find that the compensation as awarded is adequate keeping in mind that the Tribunal has taken the income

of the deceased at ₹10,000 per month negating the claim that the deceased was earning ₹21000/- per month as there was no documentary evidence produced on the record in support of the said argument.

The Tribunal while holding respondent No.1 negligent in driving the offending vehicle took the age of the deceased to be more than 30 years but lesser than 31 and applied the multiplier of 16 while also awarding 40% of his income to be added for future prospects.

Since the claimants were two in number, a correct deduction has been allowed as 1/3rd of his income towards his personal expenses. The only component that needs to be re-assessed would be under the Conventional heads. The Tribunal has awarded ₹30,000/- towards other conventional heads.

Admittedly, the deceased was lesser than 31 years of age and therefore, the Tribunal ought to have taken the multiplier of 17, which would increase the compensation that has been awarded.

Therefore, the compensation payable to the appellants is re-worked and tabulated as under:-

Sr. No.	Heads of claim	Calculation
1	Name of the deceased	Kuldeep
2	Date of accident	06/06/15
3	Age of the deceased	30 years
4	Monthly income of the deceased	10000/- per month
5	40% of (iv) is to be added towards future prospects	(10000+4000) =14000/-
6	1/3 rd of (v) above deducted towards personal expenses	(14000-4666) =9334/-
7	Compensation calculated after applying the multiplier of 17	9334x12x17= 1904136/-

Sr. No.	Heads of claim	Calculation
8	Conventional heads	30,000/-
9	Total : (7+8)	19,34,136/-

As a sequel of my discussion above, the appeal is partly allowed. The award of the Tribunal is modified and the total compensation payable to the claimants shall be ₹19,34,136/- and the amount in excess over what was awarded by the Tribunal will also attract interest @7.5% per annum from the date of filing of the appeal in this Court till the date of payment. The claimants will share the amount of compensation as per the award of the Tribunal. The enhanced compensation to be paid as per the liability fixed by the Tribunal itself.

September 26, 2019

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No