

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 4123 of 2018 (O&M)
Date of Decision : 22.05.2019

Bala Devi and othersAppellants

Versus

Ram Karan and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ishan Singh Cooner, Advocate
for the appellants.

Mr. Sanjay Jain, Advocate
for respondents no. 1 and 2.

Mr. Gaurav Gurcharan Singh Rai, Advocate
for respondent no. 4.

Surinder Gupta, J. (Oral)

Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') vide award dated 13.07.2017 allowed compensation of ₹13,22,500/- for death of Mohan Lal (later referred to as 'the deceased') in a motor vehicle accident with car bearing registration No.PB-11J-0595 (later referred to as 'the offending vehicle').

2. As the only relief pressed in this appeal is for enhancement of compensation as awarded by Tribunal, detailed facts of the case are being skipped for the sake of brevity.

3. The compensation awarded by the Tribunal was computed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Mohan Lal
(ii)	Age of the deceased	30 years
(iii)	Date of accident	18.03.2016
(iv)	Marital status	Married

(v)	Income of the deceased	₹7500 per month
(vi)	1/4 th of (v) above deducted towards personal expenses	(₹7500- ₹1875) = ₹5625 per month
(vii)	Compensation calculated after applying the multiplier of 17	(₹5625X12X17) = ₹1147500
(viii)	Compensation towards loss of consortium	₹50000
(ix)	Compensation towards funeral expenses.	₹25000
(x)	Compensation towards loss of love and affection	₹100000
Total		₹1322500

4. Learned counsel for appellants has argued that the deceased was 30 years of age, as such, claimants are entitled to 40% addition in his income towards loss of future prospects.

5. Learned counsel for respondent no. 4 has no objection to grant of addition in income of the deceased towards loss of future prospects. He has, however, argued that under the conventional heads claimants are entitled to compensation of ₹70,000/- instead of ₹1,75,000/- as awarded by the Tribunal.

6. The accident in this case took place on 18.03.2016. After the accident the deceased was taken to Civil Hospital, Raipur Rani from where he was referred to PGI, Chandigarh in an ambulance, where he was operated for head injury. He remained admitted in hospital upto 25.03.2016, on which date he died because of injuries suffered by him. Claimants have alleged that they spent ₹50,000/- on the treatment of the deceased and transportation of his dead body but no compensation was allowed by the Tribunal on this score.

7. Though, no evidence regarding expenses incurred on treatment of the deceased has come on record, still this fact is to be kept in mind that the deceased remained in precarious condition after the accident till the date

of his death. Claimants had not only been spending on his medical expenses but were also attending him in the hospital. The Tribunal has not awarded any compensation on this score. I am of the opinion that claimants are entitled to compensation of ₹50,000/- towards medical expenses, attendant charges, transportation etc. As per law settled in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009**, claimants are also entitled to 40% addition in income of the deceased towards loss of future prospects and compensation of ₹70,000/- under the conventional heads instead of ₹1,75,000/- as awarded by the Tribunal.

8. In view of above, compensation to which claimants-appellants are entitled, is reassessed as follows:-

(i)	Name of the deceased	Mohan Lal
(ii)	Age of the deceased	30 years
(iii)	Income of the deceased as assessed by the Tribunal	₹7500 per month
(iv)	40% of (iii) above added towards future prospects	(₹7500+ ₹3000)= ₹10500 per month
(v)	1/4 th of (iv) above deducted towards personal expenses	(₹10500- ₹2625) = ₹7875 per month
(vi)	Compensation calculated after applying the multiplier of 17	(₹7875X12X17) = ₹1606500
(vii)	Compensation towards loss of estate	₹15000
(viii)	Compensation towards funeral expenses	₹15000
(ix)	Compensation towards loss of consortium	₹30000
(x)	Compensation towards medical expenses, attendant charges, transportation etc.	₹50000
Total		₹1726500

9. As a sequel of my discussion above, this appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimants for death of **Mohan Lal** is enhanced from **₹13,22,500/-** to **₹17,26,500/-**. The enhanced amount of compensation

till actual realization. Respondent No. 4 being insurer of the offending vehicle will deposit the share of claimants-appellants in their bank account or pay the same through demand draft. The enhanced amount of compensation shall be shared by claimants as per award.

10. The share of claimants no. 2 to 3, who are minor, will be deposited in some nationalized bank as fixed deposit till the period they attain majority. It is, however, made clear that the bank may take the documents regarding age of minor as required at the time of deposit of the amount and they shall not be asked to bring fresh order from the Tribunal to get the payment of the amount deposited in their names after the date of their attaining majority. The above direction has been issued to save claimants from unnecessary harassment caused due to directions, the bank usually give to bring the order of Tribunal to get the payment even after attaining the age of majority. Claimant-Bala Devi, being mother and natural guardian of minor claimants shall be entitled to get interest on the share of minor deposited with bank, on monthly, quarterly, half yearly or annual basis, as per her convenience to meet expenses of their up bringing.

11. 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.

May 22, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No