

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.7024 of 2017 (O&M)
Date of Decision: February 27, 2019.

Ram Dulari @ Ram Julari and others

.....APPELLANT(s).

VERSUS

Jerald Denial and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. M.S. Randhawa, Advocate
for the appellant (s).

Mr. Sukhdarshan Singh, Advocate
for respondent No.3-insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the tribunal') vide award dated 12.04.2017 allowed compensation of ₹7,08,000/- for death of Sube Singh, husband of appellant No.1, father of appellant No.2 and son of appellant No.3, in a motor vehicle accident with Car bearing registration No.RJ-14-TD-1312.

As the only issue involved 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	Sube Singh
(ii)	Age of the deceased	58 years
(iii)	Income of the deceased (assessed by the tribunal)	₹9000 p.m. i.e. ₹108000 per annum

(iv)	Deduction towards personal expenses 1/3 rd	₹108000-36000=₹72000 per annum.
(v)	Multiplier applied 9	₹72000X9 = ₹648000/-
(vi)	Loss of consortium	₹50000
(vii)	Last rites (funeral expenses)	₹10000
Total		₹7,08,000/-

Learned counsel for the appellants has confined his submission only for grant of addition of 10% in the income of the deceased towards loss of future prospects and compensation of ₹70,000/- under the conventional heads i.e. ₹15,000/- for loss of estate; ₹40,000/- for loss of consortium and ₹15,000/- towards funeral expenses as per the observations in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017 (4) R.C.R. (Civil) 1009.***

Learned counsel for respondent No.3-insurance company has not disputed the grant of compensation as per the observations of Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra).***

The deceased was 58 years of age. 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 10% addition in the income of the deceased towards loss of future prospects and an amount of ₹70,000/- under 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	₹9000 per month
(ii)	10% of above (i) to be added as loss of future prospects	(₹9000+₹900)= ₹9900 per month

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(iii)	Deduction of 1/3rd towards personal expenses of the deceased	(₹9900-₹3300)= ₹6600 per month
(iv)	Compensation after multiplier of 9 is applied	(₹6600X12X9)= ₹712800
(v)	Loss of consortium	₹40000
(vi)	Loss of estate	₹15000
(vii)	Funeral expenses	₹15000
<i>Total</i>		₹7,82,800/-

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 ₹7,08,000/- to ₹7,82,800/- for death of Sube Singh. 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-widow : 70%
- (ii) Appellant-claimant No.2-major son : 20%
- (iii) Appellant-claimant No.3-father : 10%

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 apportioned equally amongst other surviving claimants.

February 27, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No