IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 7964 of 2017 (O&M)
Date of Decision : 25.02.2019

Surinder Kaur ....Appellant

Versus

Gurdeep Singh and another .....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aayush Arora, Advocate
for the appellant.

Mr. Vishal Handa, Advocate
for respondent no. 1.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Fatehgarh Sahib (later referred to as 'the Tribunal') for death of Sukhwinder Singh (later referred to as 'the deceased'), in a motor vehicle accident on 13.04.2016 with car bearing registration no. PB-55B-5501 (later referred to as 'the offending vehicle').

2. As the only issue involved in this appeal is prayer of appellant seeking enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. Learned counsel for the appellant has confined his submission for grant of compensation as per law settled by Hon'ble Apex Court in case of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009***. He has argued that the Tribunal assessed income of the deceased as ₹7000/- per month. Claimants are entitled to 40% addition in income of the deceased towards loss of future prospects of deceased.

4. Learned counsel for respondent no. 1 has not disputed the submissions of learned counsel for appellant for addition of 40% in income of the deceased and grant of compensation under conventional heads as per law settled by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***.

5. Deceased-Sukhwinder Singh was 35 years of age. The Tribunal assessed his notional income as ₹7000/-. As per law settled by Hon'ble Apex Court in case of ***Pranay Sethi (supra)***, claimants are entitled to 40% addition in income of the deceased towards loss of his future prospects. Besides that claimants are also entitled to compensation of ₹70,000/- under the conventional heads instead of ₹1,25,000/- as awarded by the Tribunal.

6. In view of my above discussion compensation, to which claimants are entitled, is computed as follows:-

(i)	Monthly income of the deceased as assessed by the Tribunal	₹7000 per month
(ii)	40% of (i) above added towards future prospects	(₹7000+ ₹2800)= ₹9800 per month
(iii)	1/3rd of (ii) above deducted towards personal expenses	(₹9800- ₹3266) = ₹6534 per month
(iv)	Compensation calculated after applying the multiplier of 16	(₹6534X12X16) = ₹1254528
(v)	Compensation towards loss of consortium, loss of estate and funeral expenses	₹70000
Total		**₹1324528 (rounded off to ₹1324530)**

7. As a sequel of my discussion above, the instant appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimants for death of **Sukhwinder Singh** is enhanced from **₹10,47,800/-** to **₹13,24,530/-**. 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 instant appeal

till actual realization. Respondent no. 1 being owner and driver of the offending vehicle will deposit the share of claimants in their bank accounts or pay the same through demand drafts. Claimants will share the enhanced amount of compensation as per award.

8. The share of claimant-respondent no.2, who is minor, will be deposited in some nationalized bank as fixed deposit till the period he attains 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 he shall not be asked to bring fresh order from the Tribunal to get the payment of the amount deposited in his name after the date of his 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-appellant-Surinder Kaur, being mother and natural guardian of minor claimant 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 brought up.

9. In the event of demise of any of the claimants before or after disposal of this appeal, compensation of his/her share shall be paid to surviving claimant.

February 25, 2019 **(SURINDER GUPTA)**
jk **JUDGE**

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