

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 8051 of 2017

Date of Decision: September 16 , 2019.

Babli and others APPELLANT (s)

Versus

Sandeep Singh and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashwani Arora, Advocate
for the appellants.

Mr. Paul S.Saini, Advocate
for respondent No.3 – Insurance company

LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Panchkula (for short, the 'Tribunal') vide impugned award dated 21.04.2017 on account of death of Karambir Singh @ Karamveer Singh in a motor vehicle accident.

Brief facts necessary for the adjudication of the case are that, the claimants, who are the widow, minor children and parents of the deceased, filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Karambir Singh @ Karamveer Singh, who lost his life in a motor vehicle accident which took place on 17.10.2014. FIR No.241 dated 28.10.2014, under Sections 279/337/338/427/304A IPC, Police Station Talwandi

Sabo, District Bathinda was registered against respondent No.1-driver. It is pleaded that deceased-Karambir Singh @ Karamveer Singh was working as a Sweeper with the Municipal Corporation, Panchkula, earning a salary of ₹8,100/- per month. Compensation to the tune of ₹40 lakhs was prayed for.

Learned Tribunal on considering the facts and evidence on record concluded that the accident in question took place due to the rash and negligent driving of car bearing registration No.PB-03-Z-0093 by respondent No.1-Sandeep Singh. The deceased was held to be 45 years old. Learned Tribunal while assessing income of the deceased to be ₹8,100/- per month, awarded a total amount of ₹11,20,600/- to the claimants. Deduction to the extent of 1/4th was effected. Multiplier of 14 was applied. Increment at the rate of 30% on account of future prospects was afforded. A consolidated sum of ₹1,00,000/- was awarded towards loss of love and affection, consortium, funeral expenses etc.

Learned counsel for the appellants argues that increment on account of future prospects should be afforded and compensation under the conventional heads be reworked in terms of the judgments of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680** and **Magma General Insurance Company Ltd. v. Nanu Ram Alias Chuhru Ram & Ors., 2018(4) RCR(Civil) 333**. It is thus prayed that the amount of compensation awarded to the appellants be enhanced accordingly.

Per contra, learned counsel for respondent No.3-Insurance company refutes the abovesaid averments and submits that excessive compensation has been awarded by the learned Tribunal under the conventional heads. Dismissal of the appeal is prayed for.

I have heard learned counsel for the parties and have gone through the file.

There is no dispute regarding death of Karambir Singh @ Karamveer Singh in a motor vehicle accident which took place on 17.10.2014 due to the rash and negligent driving of the offending vehicle bearing registration No. PB-03-Z-0093 respondent No.1-Sandeep Singh. Finding of the learned Tribunal in this regard has attained finality. There is further no dispute that the deceased was working as a Sweeper with the Municipal Corporation, Panchkula and drawing a salary of ₹8100/- per month as assessed by the learned Tribunal.

It is a matter of record that the deceased was 45 years old at the time of his death. Therefore, increase in income on account of future prospects at the rate of 30% is to be afforded in terms of the judgment of the Hon'ble Supreme in **Pranay Sethi** (supra). Deduction to extent of 1/4th has been correctly effected. Multiplier of 14 has been rightly applied as well. Instead of a consolidated amount of ₹1,00,000/- towards loss of love and affection, consortium, funeral and last rites expenses etc., the claimants are entitled to ₹15,000/- towards funeral expenses, besides, another sum of ₹15,000/- towards loss of estate. Appellant No.1, widow of the deceased, is held entitled to ₹40,000/- on account of loss of spousal consortium and children of the deceased are entitled to ₹40,000/- towards loss of parental consortium in terms of the judgment of the Hon'ble Supreme Court in **Magma General Insurance Company Ltd.** (supra) as well as decision dated 14.03.2019 of this Court in FAO No.2110 of 2016 (**Shri Ram General Insurance Company Ltd. v. Beant Kaur and others**).

Claimants are, thus, entitled to compensation which is re-worked as

under:-

<i>Sr.No.</i>	<i>Heads of Claim</i>	<i>Amount</i>
1.	Income	8,100 per month i.e., 97,200 per annum
2.	Total income after addition at the rate of 30% on account of future prospects	$97,200 + (97,200 \times 30\%)$ $= 1,26,360$
3.	Deduction of 1/4 th on account of personal expenses	$1,26,360 - (1,26,360 \times 1/4)$ $= 94,770$
4.	Dependancy after applying a multiplier of 14	$(94,770 \times 14) = 13,26,780$
5.	Loss of estate	15,000
6.	Funeral expenses	15,000
7.	Loss of spousal consortium to appellant No.1	40,000
8.	Loss of parental consortium to appellants No.2 to 6	40,000
Grand Total		₹14,36,780/-

Needless to say, the amount already awarded by the learned Tribunal shall stand deducted from the compensation as detailed above. Claimants shall be entitled to interest on the entire amount at the rate of 7.5% per annum instead of 6% per annum, from the date of filing of the petition till realization. Ratio of apportionment and manner of disbursement shall remain the same as determined by the learned Tribunal.

Appeal is accordingly disposed of.

(LISA GILL)
JUDGE

September 16 , 2019.
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No