

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No.1880 of 2013 (O&M)
Date of Decision: March 20, 2019

Gurmeet Kaur and others
.....APPELLANT(s).

VERSUS

Sukhdev Singh and others
.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Lipika Dahiya, Advocate for
Mr. R.S. Mamli, Advocate
for the appellants.

Mr. Rajbir Singh, Advocate for
Mr. Sanjeev Goyal, Advocate
for respondent No.3-Insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Moga (hereinafter referred to as 'the tribunal') vide award dated 23.01.2013 allowed compensation of ₹7,22,000/- for death of Lakhwinder Singh (hereinafter referred to as 'the deceased'), husband of appellant No.1, father of appellants No.2 and 3, in a motor vehicle accident with truck bearing registration No.PB-10BM-8757.

As the only issue involved in this appeal relates to quantum of compensation as awarded by the 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	Lakhwinder Singh
(ii)	Date of accident	13.01.2012
(iii)	Age of the deceased	47 Years

(iv)	Income of the deceased	₹6000 p.m.
(v)	1/3 rd deduction towards personal expenses (wrongly deducted by Tribunal as 1/4 th)	₹6000-1500=₹4500 p.m. i.e. ₹54000 p.a.
(vi)	Multiplier applied 13	₹54000 X 13 ₹=7,02,000/-
(vii)	Funeral expenses	₹10000
(viii)	Loss of consortium	₹10000
Total		₹ 7,22, 000/-

Learned counsel for the appellants has confined her submission seeking grant of compensation as per law settled by Hon'ble Apex Court in case of **National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009**. She has argued that deceased was 47 years of age and claimants are entitled to 25% addition in income of the deceased towards loss of future prospects and compensation of ₹70,000/- under the conventional heads.

The Tribunal while assessing income of the deceased has observed that he was 47 years of age. As per law settled by Hon'ble Apex Court in the case of **Pranay Sethi (supra)**, claimants are entitled to 25% addition in income of the deceased towards loss of future prospects and ₹70,000/- under the 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	₹6000 per month
(ii)	25% of above (i) to be added as future prospects	(₹6000+₹1500)= ₹7500 per month
(iii)	Deduction of 1/3 rd towards personal expenses of the deceased	(₹7500 -₹2500)= ₹5000 per month
(iv)	Compensation after multiplier of 13 is applied	(₹5000 X 12 X 13) = ₹7,80,000
(v)	Loss of consortium	₹40000

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(vi)	Loss of estate	₹15000
(vii)	Funeral expenses	₹15000
<i>Total</i>		₹8,50,000/-

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 ₹7,22,000/- to ₹8,50,000/- for death of Lakhwinder 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.

Respondent-insurance company will deposit the amount of share of appellants as per award, in their bank account 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.

March 20, 2019.

Jyoti-II

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No