IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

FAO No.3002 of 2013 (O&M)
Date of Decision: March 20, 2019

Ram Dey and another

..........APPELLANT(s).

VERSUS

Jasbir Singh and others

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: None for the parties.

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the tribunal') vide award dated 08.01.2013 allowed compensation of ₹2,23,219/- for death of Krishan (hereinafter referred to as 'the deceased'), son of appellants No.1 and 2, in a motor vehicle accident with Tata Safari bearing registration No.HR-40B-7676.

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	Krishan
(ii)	Date of accident	02/12/2010
(iii)	Age of the deceased	30 Years
(iv)	Age of the father of the deceased	67 years
(v)	Income of the deceased	₹5500 p.m.
(vi)	30% increase	₹5500 + ₹1650 = ₹7150
(vii)	$1/2^{nd}$ deduction towards personal expenses	₹7150 – ₹3575 = ₹3575 p.m. i.e. ₹42900 p.a.

(viii)	Multiplier applied 5	₹42900 X 5 = ₹214500/-
(ix)	Transportation, funeral and last rites expenses	₹8719/-
Total		₹2,23,219/-

As per case of the appellants, deceased was 30 years of age. He was unmarried at the time of his death in accident with the offending vehicle. The Tribunal has assessed his income as Rs.5500/- per month. As per the law settled by Hon'ble Apex Court in the case of ***Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009 (3) R.C.R. (Civil), 77,*** which was further affirmed in the case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 100,*** the multiplier is to be applied as per age of the deceased and not as per age of the claimants. As such, multiplier applied in this case would be 17 and the claimants are also entitled to 40% addition in income of the deceased towards loss of future prospects.

Keeping in view money value in the year 2010, a lump sum amount of ₹20,000/- is awarded to the claimants 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	₹5500 per month
(ii)	40% of above (i) to be added as future prospects	(₹5500+₹2200)= ₹7700 per month
(iii)	Deduction of 1/2nd towards personal expenses of the deceased	(₹7700 -₹3850)= ₹3850 per month
(iv)	Compensation after multiplier of 17 is applied	(₹3850 X 12 X 17) = ₹7,85,400
(v)	Transportation, funeral and last rites expenses as awarded by the Tribunal	₹8719/-
(vi)	Conventional heads	₹20000
Total		₹8,14,119/-

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 ₹2,23,219/- to ₹8,14,119/- for death of Krishan. 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 and shall be shared by the appellants.

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.

(SURINDER GUPTA)
JUDGE

March 20, 2019.
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***