IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 7028 of 2017(O&M)

Date of decision: 22.4.2019

Shanti Devi and others …..Appellants

VERSUS

Jasmail Singh and others .....Respondents

*****

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Amandeep Kaur, Advocate for the appellants.

Mr. Lalit Garg, Advocate for insurance company.

*****

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Chandigarh (in short 'the Tribunal') on account of death of Pinku Krakta in a motor vehicular accident that took place on 14.05.2016.

The Tribunal has awarded Rs.11,21,000/- detailed hereunder:-

Monthly income of the deceased	Rs.7000/-
Deduction for personal expenses	50%
Multiplier	17
Addition in income for future prospects	50%
Loss of dependency	Rs.10.71,000/-
Loss of love and affection	Rs.25,000/-
Expenses on funeral	Rs.25000/-

Counsel for the appellants would argue that the deceased was a student of final year in B.Tech (Electronics and Communications) with Rayat Bahra College, Railmajra, Ropar, therefore, his income is liable to be assessed at least to the tune of Rs.10,000/- per month.

Counsel for the insurance company has supported assessment of income made by the Tribunal but would contend that addition in income for future prospects and compensation under conventional heads need modification in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270**.

The Tribunal in para 13 of the award has noticed the facts elicited in testimony of Surinder Kumar Sharma PW-2 examined by the claimants to prove academic record of the deceased. As per testimony of Surinder Kumar Sharma, there was re-appear in some subjects but the deceased was a student of final year in B.Tech.

Taking into consideration educational qualification of the deceased coupled with minimum wage available at the relevant time, I agree with the submission of counsel for the appellant that income of the deceased can be assessed at the rate of Rs.10000/- per month. However, addition in income for future prospects would be 40% in the light of judgment in **Pranay Sethi's case** (supra). Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency comes to Rs.14,28,000/- [Rs. 20,40,000/- (Rs.10000 x 12 x 17) + Rs.8,16,000/- (40% future prospects) – Rs. 14,28,000/- (50% deduction towards personal expenses).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitle to Rs.30,000/- detailed hereunder :-

Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation comes to Rs.14,58,000/- and the additional amount is Rs.3,37,000/- (Rs.14,58,000/- - Rs.11,21,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to mother of the deceased.

The Tribunal has allowed interest at the rate of 6% per annum in case compensation is paid within three months failing which it would be 8%. This finding of the Tribunal cannot be allowed to sustain in the light of judgment of Hon'ble the Supreme Court **National Insurance Co. Ltd. Vs. Keshav Bahadur, 2004 ACJ 648.** However, compensation found payable by this Court i.e. Rs.14,68,000/- shall carry interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

APRIL 22, 2019 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no