IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.205

FAO-2631-2010 (O&M)
Date of decision : 19.03.2021

Ajmer Kaur and others ..... Appellants

VERSUS

Mohinder Singh and others .... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Lupil Gupta, Advocate, for the appellants.

None for respondent No.3-Insurance Company.

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SUDHIR MITTAL, J.

One Jagjit Singh met with an accident on 17.7.2008. On account of injuries sustained in the accident, he died on 22.8.2008. The accident took place while Jagjit Singh was riding his bicycle from village Gharangana to Mansa. He was hit by a Canter bearing registration No.RJ-13G-1830 being driven rashly and negligently by respondent No.2. Claim was filed by his mother and father and upon death of the father, the other sons and daughters were impleaded in his place. The claim petition was allowed and the Motor Accident Claims Tribunal, Mansa (hereinafter referred to as the 'Tribunal') awarded compensation of Rs.2,45,573/- alongwith interest @ 8% per annum.

Learned counsel for the appellants submits that the amount of compensation is inadequate. The deceased was 20 years of age and thus, multiplier of 18 should have been applied. Deduction of 1/3 on account of personal expenses is also illegal. Benefit of future prospects has been denied. Thus, the compensation deserves to be enhanced. He placed reliance upon National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.

The judgment in Pranay Sethi's case is the magna carta in cases of motor accident claims. According to the said judgment, in case, the deceased was 20 years of age, multiplier of 18 should be applied. The income should be increased by 40% on account of future prospects and in case of a bachelor, deduction of 50% should be made on account of personal expenses.

In the present case, it is not in dispute that the deceased was 20 years of age and that he was a bachelor. He was earning Rs.2,500/- per month being a labourer.

The Tribunal has erred in using the multiplier of 8 and in not granting benefit of future prospects. Reduction of 50% on account of personal expenses has also not been made. Thus, the compensation is re-assessed as follows:-

Monthly income	Rs. 2,500/-
Annual income	Rs. 2,500 x 12 = 30,000/-
Reduction of 50% for personal expenses	Rs. 15,000/-
Increase of 40% for future prospects	Rs. 15,000+ 6,000 x 18 = Rs.3,78,000/-
Medical reimbursement expenses	Rs.65,573
Funeral expenses	Rs. 15,000/-
Total compensation	**Rs. 4,58,573/-**

The appeal is accordingly allowed. The appellant-mother shall also be entitled to be paid interest @ 6% per annum on the enhanced amount from the date of filing of the claim petition till realization.

(SUDHIR MITTAL)
JUDGE

19.03.2021
Ramandeep Singh

Whether speaking / reasoned Yes / No
Whether Reportable Yes/ No