

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 1624 of 2012(O&M)

Date of Decision:8.9.2022

Amit Bhardwaj

---Appellant

versus

Rijhwan Khan and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Aditya Yadav, Advocate
for the appellant
Mr. Sanjeev Kodan, Advocate
for respondent No. 3
Mr. Rajbir Singh, Advocate
for respondent No. 4

JAGMOHAN BANSAL, J. (ORAL)

1. The appellant through instant appeal is seeking enhancement of compensation awarded vide award dated 4.6.2011 passed by Motor Accident Claims Tribunal, Rewari (for short "Tribunal") whereby learned Tribunal has awarded a sum of Rs. 25,61,224/- alongwith interest @ 6% per annum.

2. Learned counsel for the appellant initially contended that learned Tribunal has wrongly assessed income and wrongly made deduction on account of personal expenses of the deceased, however, on being confronted with findings qua income and multiplier, he expressed his inability to controvert the same. He has further contended that no compensation has been awarded under

headings consortium, future prospects and loss of estate. Learned counsel relied upon judgments of Hon'ble Supreme Court in **National Insurance Company vs. Pranay Sethi and others 2017 (16) SCC 680** and **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (6) SCC 121**.

3. Per contra, learned counsel for the respondent contended that learned Tribunal has rightly awarded amount of compensation. There is no justification to enhance the amount awarded, however, he conceded that compensation needs to be determined in view of judgments of Hon'ble Supreme Court in **Pranay Sethi's case (supra)** and **Smt. Sarla Verma's case (supra)**..

4. I have perused the record and heard arguments of both sides.

5. The issue involved in the present appeal lies in narrow compass. Learned Tribunal has settled all the issues involved and awarded compensation as under:-

Annual income assessed	Rs. 2,94,372/-
Multiplier applied (Age 47) (13)	Rs.38,26,836/-
Deduction for personal expenses (1/3 rd)	Rs. 25,51,224/-
Funeral expenses	Rs. 10,000/-
Amount awarded	Rs.25,61,224/-

6. In view of judgments of Hon'ble Supreme Court, I am of the considerate opinion that appellant is entitled to compensation as determined below:-

<i>Head</i>	<i>Amount of compensation</i>
Income of the deceased	Rs. 24,531/-
Future prospects (30%)	Rs. 7359/-
Income after addition of future prospects	Rs. 31,890/-
Deduction on account of personal expenses (1/3 rd)	Rs. 21,260/-
Annual income Assessed	Rs. 2,55,120/-
Multiplier (13)	Rs.33,16,560/-
Loss of estate	Rs. 16,500/-
Loss of consortium	Rs. 44,000/-
Funeral expenses	Rs. 16,500/-
Total	Rs. 33,93,560/-

7. The appellant is entitled to interest @ 7.5% from the date of filing of claim petition till the date of actual payment. It is made clear that amount already paid would be deducted from claim determined hereinabove.
8. The respondent is directed to make payment within a period of eight weeks from today.
9. The appeal stands disposed of accordingly. Pending miscellaneous applications, if any, stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

8.9.2022
PARAMJIT

Whether speaking/reasoned : Yes
Whether reportable : Yes/No