

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

**FAO-1312-2013 (O&M)
Date of Decision: 21.09.2022**

BHANU PARTAP SINGH AND ORS Appellants

Versus

RAJINDER SINGH AND ORS Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ashok K. Sharma, Advocate
for the appellants.

None for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The appellants through instant appeal are seeking enhancement of compensation awarded vide award dated 21.11.2012 passed by learned Motor Accident Claims Tribunal (for short 'Tribunal'), Patiala, whereby learned Tribunal has awarded compensation of Rs.12,45,052/- alongwith interest @ 9% per annum on account of death of Balender Singh.

2. The matter was listed before this Court on 16.09.2022 and there was no representation on behalf of the insurer and today position is same, having left with no option except to finally adjudicate, with the able assistance of counsel for the appellants, the matter is hereby adjudicated exparte.

3. The facts emerging from record are that Balender Singh @

Monu son of Bhanu Partap Singh, aged 24 years met with a vehicular accident on 08.04.2010. The deceased was driving his motor cycle bearing registration No.PB-10-CP-8358 and met with an accident with the bus bearing registration No.PB-03T-4635. The deceased passed away on the same day i.e. 08.04.2010. The appellants filed a petition under Section 166 of the Motor Vehicle Act, 1988 (for short the 'Act'), seeking compensation on account of death of Balender Singh @ Monu. Learned Tribunal after adjudicating different issues held the driver of bus guilty of rash and negligence driving and awarded a sum of Rs.12,45,052/- on account of death of Balender Singh @ Monu.

4. Learned counsel for the appellants contended that he does not dispute income assessed by learned Tribunal, however, learned Tribunal has failed to consider future prospects as well compensation under conventional heads. He submitted that amount of compensation may be redetermined in view of the Judgements 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**.

5. I have perused the record and heard arguments of counsel for the appellants.

6. There is no dispute qua income Rs.15,834/- of the deceased and age 24 years of the deceased, the dispute lies in a narrow compass i.e. application of other factors i.e. future prospects, multiplier and compensation under conventional heads. Hon'ble Supreme Court in aforestated judgments has settled the issue, thus amount of compensation is redetermined in view of afore-cited judgments of Hon'ble Supreme

Court. The amount of compensation is redetermined as below:-

Particulars	Amount of compensation
Annual income of the deceased	1,90,008/-
Future prospects	40.00%
Income after addition of future prospects	2,66,011/-
Deduction on account of personal expenses	50%
Assessed income	1,33,005/-
Multiplier (18)	23,94,090/-
Loss of estate	16500
Loss of consortium (44000x2)	88,000/-
Funeral expenses	16500/-
Total	25,15,090/-

9. The appellants instead of 9% are 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.
10. The respondents are directed to make payment within a period of eight weeks from today.
11. The appeal is disposed of in the abovesaid terms.

(JAGMOHAN BANSAL)

JUDGE

21.09.2022

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>