261 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**
(through video conferencing)

FAO-5129-2018 (O&M)
Decided on : 14.03.2022

Manjit Kaur ...... Appellant

Versus

Harjit Singh and others ...... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jaideep Verma, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate
for Insurance Company.

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Manjari Nehru Kaul, J.(Oral)

The appellant-claimant is seeking enhancement of compensation awarded by Motor Accidents Claim Tribunal, Rupnagar (hereinafter referred as 'the Tribunal') with regard to the death of her son Sandeep Singh, aged 27 years, in a motor vehicular accident, which took place on 15.04.2016. The Tribunal awarded compensation to the tune of Rs.50,93,280/- along with interest @ 6% per annum from the date of filling of petition till its actual realization. The amount awarded by the Tribunal was assessed as follows:

Sr. No.	Heads of claim	Amount awarded
1	Income taken per month	Rs.37,900/-
2	Future prospects @ 40% per month	Rs.15,160/-
3	Total income	Rs.53,060/-
4	Multiplicand (annualized)	Rs.53,060 x 12 = Rs.6,36,720/-

Sr. No.	Heads of claim	Amount awarded
5	Deduction of Income Tax	Rs.41,039/-
6	Income after deducting tax	Rs.5,95,681/-
5	Deduction 1/2 towards personal living	Rs.2,97,840/-
6	Multiplier	17
7	Total	Rs.50,63,280/-
8	Loss to the estate	Rs.15,000/-
9	Funeral expenses	Rs.15,000/-
	Total	**Rs.50,93,280/-**

The respondents were held liable to pay the amount of compensation jointly and severely.

Learned counsel for the appellant-claimant has challenged the award primarily on the ground that though the deceased had a permanent job in the Police Department, however, the Tribunal had wrongly assessed his future prospects at 40% instead of 50%. It is also submitted that under the conventional heads the amount of compensation also needed to be reassessed and enhanced to Rs.70,000/- from Rs.30,000/-, which had been erroneously not assessed by the Tribunal. In support, learned counsel has placed reliance upon ***National Insurance Co. vs. Pranay Sethi, 2017 SCC 270.***

On being put to notice, learned counsel for respondent-insurance company has opposed the submissions made by learned counsel for the appellant by urging that the compensation awarded was adequate and in consonance with the settled law and hence, did not require any interference.

After hearing learned counsel for the parties and perusing the case file, this Court is of the opinion that the compensation awarded by the

Tribunal requires to be reassessed inconsonance with the judgment rendered by the Supreme Court in *Pranay Sethi's case(supra)*.

The deceased in the present case was below 40 years of age and was employed on a fixed salary being a Govt. Employee. Thus, 50% of his proved income (i.e. income (-) tax component) is added towards loss of future prospects. The Hon'ble Apex Court in *Pranay Sethi's case(supra)* has quantified the amount in the sum of Rs.15,000/-, Rs.15,000/- and Rs.40,000/-to be awarded under conventional heads i.e. loss of estate, funeral expenses and loss of consortium respectively. Still further, it has been held that the aforesaid amounts would be further subject to 10% enhancement after every three years. Therefore, the claimant would be entitled to 10% enhancement as was also held and reassessed by Hon'ble Apex Court in ***Rasmita Biswal and others vs. Divisional Manager, National Insurance Co. Ltd. and another***, ***2022(1) RCR(Civil) 344*** as per the ratio laid down in *Pranay Sethi's case(supra).*

Resultantly, the compensation is re-assessed as follows:

Sr. No.	Heads of claim	Amount awarded
1	Income taken per month	Rs.37,900/-
2	Multiplicand (annualized)	Rs.4,54,800/-
3	Income Tax	Rs.15,945/-
4	Net income(Rs.4,54,800/- (-) Rs.15,945/-)	Rs.4,38,855/-
4	Future prospects @ 50% per month	Rs.2,19,427/-
5	Total Income(Rs.4,38,855/- (+) Rs.2,19,427/-)	Rs.6,58,282/-
6	Deduction ½ towards personal living	Rs.3,29,141/-
7	Multiplier	17
8	Total	Rs.55,95,397/-
9	Loss of estate	Rs.16,500/-
10	Funeral expenses	Rs.16,500/-

Sr. No.	Heads of claim	Amount awarded
11	Loss of filial consortium	Rs.44,000/-
12	Total	**Rs.56,72,397/-**

The respondents are held liable to pay enhanced amount of compensation jointly and severely. The rate of interest is also enhanced from 6% to 9% from the date of filing of petition till its realization.

With these modifications, the present appeal stands disposed of in above terms.

(MANJARI NEHRU KAUL)
JUDGE

14.03.2022
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No