

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

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1. FAO No. 6997 of 2019 (O & M)
Date of decision : 24.11.2022

United India Insurance Company Limited, Gurdaspur

.....Appellant

Vs.

Harjinder Kaur and others

.....Respondents

2. FAO No. 986 of 2020

Harjinder Kaur and others

.....Appellants

Vs.

Ravi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Nitin Gupta, Advocate, for the appellant/Insurance co.
(in FAO No. 6997 of 2019)

Mr. BBS Randhawa, Advocate, for the appellants
(in FAO No. 986 of 2020)

Mr. Sohrab Dhanda, Advocate, for
Mr. A.S. Manaise, Advocate, for respondents no.1 and 2
(in FAO No. 986 of 2020)
for respondents no. 5 and 6 (in FAO No. 6997 of 2019)

TRIBHUVAN DAHIYA, J. (Oral)

1. These are the two appeals, one filed by the Insurance company, and the other by the claimants/the widow, mother and two children of the deceased, against the award dated 29.8.2019 passed by the Motor Accident Claims Tribunal, Gurdaspur (in short 'the Tribunal').

Brief facts of the case are, the accident took place on 11.7.2016

resulting in death of Karamjit Singh. The Tribunal on the basis of evidence led, awarded the total amount of Rs.16,68,400/- along with interest at the rate of 7.5% per annum, to be paid jointly and severally by the Insurance company as well as the owner and driver of the vehicle.

3. Learned counsel for the appellant/Insurance company contends that the Tribunal has wrongly assessed the compensation under the head 'future prospects', as an increase of 40% has been awarded over the assessed income. Similarly, it has been contended that the dependency has been wrongly assessed by deducting 1/5th of the deceased's income towards his personal and living expenses, which should have been 1/4th, keeping in view the number of dependents.

4. It is well settled by the judgment of the Supreme Court in *National Insurance Company Limited v. Pranay Sethi and others* 2017 (4) RCR (Civil) 1009, that the future prospects are to be awarded keeping in view the age of the deceased, and for someone between forty to fifty years of age, compensation on account of future prospects has to be awarded at the rate of 25% of the assessed income. In the instant case deceased was 45 years of age at the time of death, as held by the Tribunal. Therefore, the claimants will be entitled to an enhancement of 25% over the assessed income towards future prospects, instead of 40%. Since the number of dependents/claimants in the instant case is four, i.e., widow, mother and two children of the deceased, as per law laid down by the Supreme Court in *Sarla Verma v. Delhi Transport Corporation*; 2009 (3) RCR (Civil) 77, only 1/4th of the deceased's income is to be deducted towards his personal and living expenses, instead of 1/5th. On both these counts the Tribunal's award needs modification.

5. In view of the aforesaid, the claimants are held entitled to the

following amount of compensation:

Sr. No.	Head	Compensation awarded by this Court
1	Annual income (8000 x 12)	96,000
2	Future prospects 25% of annual income	24,000
3	Total income including future prospects	1,20,000
4	Deduction @ 1/4th towards personal expenses	90,000 (1,20,000 – 30,000 = 90,000)
5	Multiplier (14), 90,000 x 14	12,60,000
6	Loss of consortium (40,000 x 4)	1,60,000
7	Funeral expenses	15,000
8	Loss of estate	15,000
9	Total amount of compensation	14,50,000

6. The award passed by the Tribunal dated 29.8.2019, therefore, stands modified in the afore-stated terms and the appellants-claimants are held entitled to compensation of an amount of Rs.14,50,000/- with interest at the rate of 7.5% per annum from the date of filing the claim petition till its actual realisation. The liability to satisfy the award, share of the claimants, and the procedure of disbursal shall be as determined by the Tribunal.

7. Accordingly, both the appeals stand disposed of.

8. Pending applications, if any, are disposed of as having been rendered infructuous.

9. Photocopy of this order be placed on the connected case file.

(TRIBHUVAN DAHIYA)
JUDGE

24.11.2022
Ashwani

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