IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO 6927/2016(O&M)

Date of decision: 18.04.2023.

Gurmeet Kaur and others

………………Appellants

Vs.

Palwinder Singh @ Nikka and ors.

………………Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sandeep Jasuja, Advocate for the appellants.

Nidhi Gupta, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.13,21,000/- granted by the Motor Accident Claims Tribunal, Ferozepur (hereinafter referred to as 'the Tribunal') vide Award dated 3.2.2016 passed in claim petition bearing MACP/59/2014 filed u/s 166 of the Motor Vehicles Act,1988 (hereinafter referred to as 'the Act'). Claimants are the parents, and major brother and sister of deceased Gurjant Singh.

Ld. Tribunal on the basis of pleadings and evidence on record held that the deceased had died due to injuries suffered by him in motor vehicular accident that took place on 25.7.2014 due to rash and negligent driving of truck bearing registration No. RJ-13-G-6535 (hereinafter referred to as 'the offending vehicle') being driven by respondent no.1, owned by respondent no.2 and insured by respondent no.3. The Tribunal awarded compensation as above along with interest @ 6% per annum from the date of filing of the claim petition till realization. Liability to pay the compensation was joint and several.

Ld. counsel seeks enhancement of compensation primarily on the ground that the ld. Tribunal has made a deduction of 50% towards personal expenses. It is submitted that claimants are four in number and therefore, deduction ought to have been $1/4^{th}$. It is further submitted that under conventional heads only Rs.25,000/- have been awarded whereas a sum of at least Rs.70,000/- ought to have been granted.

No other argument has been advanced.

Heard ld. counsel.

Ld. Tribunal has awarded the compensation to the appellants in the following manner:-

Sr.	Heads	Calculation (Amount in rupees)
1	Monthly income	8,000/-
2	50% addition on account of future prospects	8,000+4,000=12,000/-
3	Deduction to the extent of ½ on account of personal expenses	12,000-6,000= 6,000
4	Annual dependency	6,000x12= 72,000/-
5	Compensation after applying multiplier of 18	72,000x18= 12,96,000/-
6.	Funeral expenses	25,000/-
	Total compensation awarded	13,21,000/-

Admittedly, the deceased was 17 years old at the time of his death, as borne out from Ex. P-3, certificate issued by Principal, Shaheed S.Sham Singh Attari Khalsa Sr. Secondary School, Fatehgarh Sabhra (FZR) wherein the deceased was a student of 10+1. As per said certificate the date of birth of the deceased was 2.8.1997. Even as per Ex.P-5, Matriculation certificate issued by the Punjab School Education Board, the date of birth of the deceased was 2.8.1997. Further, admittedly, the deceased was a bachelor at the time of his death. Moreover, none of the claimants, who are parents of the deceased as well as elder brother and elder sister of the deceased, have anywhere proven their pecuniary dependency upon the deceased. Accordingly, deduction of 50% towards personal expenses has been correctly made.

As regards argument of the ld. counsel that only Rs.25,000/- has been granted under the conventional heads, which ought to have been Rs.70,000/- the said argument is also liable to be rejected in view of the fact that the ld. Tribunal has made addition of 50% towards future prospects whereas as per law laid down by the Hon'ble Supreme Court in case of **National Insurance Company Limited v Pranay Sethi and others (2017) 16 SCC 680** ld. Tribunal could have made addition of 40% towards future prospects. If an addition of 40% in accordance with law had been made then compensation payable to the claimants would be Rs.12,09,600/-. It is therefore, clear that appellants have already been granted compensation in excess. Accordingly, in the facts and circumstances of the case, no case for interference is made out.

Dismissed.

Pending application(s), if any, stand disposed of.

18/04/2023. **(Nidhi Gupta)**
Joshi **Judge**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**