2023:PHHC:083824

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-7619-2017 (O&M)
Date of decision: 03.07.2023

Ramphal and another

....Appellants

Versus

Sukhbir Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ajit Kumar Sharma, Advocate for
Mr. R.D.Yadav, Advocate for the appellants

Mr. Sanjeev Kodan, Advocate for respondent no.3

ANIL KSHETARPAL, J (Oral)

1. This appeal has been filed by the claimants. They have not challenged the correctness of the findings of the Motor Accidents Claims Tribunal, Rewari, with regard to the occurrence of the accident, involvement of the vehicle as well as the findings of rash and negligent driving. Hence, the only issue which requires adjudication is with regard to the appropriate amount of compensation to which the appellants are entitled to.

2. The appellants are unfortunate parents, who have lost their young son on 24.10.2013 at the age of 28 years, in a motor vehicular accident. As per the income assessed by the Tribunal, the deceased was earning Rs.8,000/- per month. Since he was a bachelor, therefore, deduction of 50% is permissible as per **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009(3) RCR (Civil) 77 and** approved in ***'National Insurance Company Ltd. vs. Pranay Sethi and other'*** *2017 (10) SCC 450.* The Tribunal has committed an error in

applying the multiplier while keeping in view the the age of the mother which is not the correct position of law. Hence, keeping in view the age of the deceased, the appropriate multiplier would be 17. The parents are also entitled to the filial consortium at the rate of Rs.44,000/- each. Hence, the amount of filial consortium comes to Rs.88,000/-. For loss of Estate and funeral expenses, an amount of Rs.16,500/- each shall be payable. The appellants have produced the invoices to prove that they have spent Rs.1,57,134/- on the treatment of the deceased. The same will also be added to the compensation amount. Apart therefrom in view of the law laid down by **Pranay Sethi's** case (supra), the appellants shall be entitled to enhancement on account of the future prospects to the extent of 40%.

3. The revised calculation of the compensation reads as under:-

Sr. No.	**Head of Compensation**	**Amount awarded by the MACT**	**Amount awarded by the High Court**
1.	Monthly Income	Rs.8,000/-	Rs.8,000/-
2.	Future Prospects 40%	Nil	8000+3200/- =Rs.11,200/-
3.	Deduction of personal expenses (50%)	8000-4000= Rs.4000	11200 -5600 = Rs.5600/-
4.	Annual Income	Rs.4000x12= 48,000/-	Rs.5600x12= Rs.67,200/-
5.	Multiplier	48000x9= 4,32,000/-	67,200x17= 11,42,400/-
6.	Loss of Filial Consortium	Nil	44000x2 = 88000
7.	Loss of Estate	Nil	Rs.16500/-
8.	Loss of Funeral Expenses	Rs.20,000/-	Rs.16,500/-
9.	Amount incurred on treatment	Rs.1,57,134/-	Rs.1,57,134/-
10.	Loss of love and affection	Rs.50,000/-	Nil
11.	Grand Total	Rs.6,59,134/-	Rs.14,20,534/-
12	**Enhanced compensation**	**14,20,534 - 6,59,134 = Rs.7,61,400/-**	

4. In view of the aforesaid tabulated compilation, the appellants shall be held entitled to the enhanced amount of Rs.7,61,607/- alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization.

5. The appeal stands allowed.

6. All the pending miscellaneous applications, if any, are also disposed of.

03.07.2023 **(ANIL KSHETARPAL)**
rekha **JUDGE**
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No