261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2399-2020 (O&M)
Date of Decision :01.05.2023

SUNITA AND OTHERS …Appellants

Versus

SURAJ BHAN AND OTHERS ….Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Kulwant Singh Dhanora, Advocate for the appellants.
Mr. Narender Kaajla, Advocate for respondent No.1
Mr. Satish Singla, AAG, Haryana for respondent Nos.2 & 3.
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B.S. Walia, J. (Oral)

[1] Prayer in the appeal is for modification of award dated 18.09.2019 passed by the learned Motor Accident Claims Tribunal, Hisar (for short – "the Tribunal") and enhancement of compensation of Rs.16,67,490/- awarded to the appellants/claimants by taking into account 40% of the income of the deceased towards future prospects.

[2] Learned counsel for the appellants/claimants contends that Vijender, husband of appellant No.1 and father of appellant Nos.2 to 5 died in a motor vehicular accident on 23.07.2017 at the age of 36 and that the learned Tribunal by taking into account the income of the deceased as Rs.10,000/- per month, applying multiplier of 15 and imposing a deduction of 1/4th of the income of the deceased towards his personal expenses, besides, by awarding Rs.70,000/- on account of conventional heads i.e. funeral expenses, loss of estate and loss of consortium as also Rs.2,47,490/- on account of medical bills, awarded total compensation of Rs.16,67,490/- but did not award any amount on account of future

prospects whereas as per paragraph No.61 (iv) of the decision of Hon'ble the Supreme Court in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (16) SCC 680,*** the appellants/claimants are entitled to 40% of the income of the deceased to be taken into account towards future prospects while awarding compensation.

[3] Learned counsel appearing for respondent No.1-driver and learned AAG for respondent Nos.2 and 3 at the very outset frankly concede the claim of the appellants.

[4] Accordingly, in view of the position noted above as well as paragraph No.61 (vi) of the decision of Hon'ble the Supreme Court in Pranay Sethi's case (Supra) and on account of the deceased being less than 40 years of age, 40% of the assessed income of the deceased is taken into account towards future prospects for the purpose of working out the compensation payable.

[5] Accordingly, in the light of the position noted above, details of compensation awarded by the Tribunal and the compensation assessed by this Court is as under :-

Sr. No.	**Head**	**Amount assessed by Tribunal in Rupees**	**Amount assessed by this Court in Rupees**
1	Income assessed	Rs.10,000/- per month	Rs.10,000/- per month
2.	Future Prospects	Nil	40% of 10,000/- (i.e. Rs. Rs.4000/-) Total income = **Rs.14,000/-** (Rs.10,000/- + Rs.4000/-)
3.	Dependency	1/4th of Rs.10,000/- = Rs.2500/-	1/4th of Rs.14,000/- = Rs.3500/-

4.	Net Income	Rs.7500/- (i.e.Rs.10,000 – Rs.2500)	Rs.10,500/- (i.e.Rs.14,000 – Rs.35000
5	Multiplier	15	15
6.	Compensation awarded	Rs.75,00 x 12 x15 = 13,50,000/-	Rs.10,500 x 12 x 15 = Rs.18,90,000/-
7.	Funeral Expenses	Rs.15,000/-	Rs.15,000/-
8.	Loss of consortium	Rs.40,000/-	Rs.40,000/-
9.	Loss of estate	Rs.15,000/-	Rs.15,000/-
10.	Medical Bills	Rs.2,47,490/-	Rs.2,47,490/-
11.	Interest	7% per annum	7% per annum
Total		**Rs.16,67,490/-**	**Rs.22,07,490/-**

[6] Accordingly, in the light of the position noted above, the appeal is allowed, award is modified and as against compensation of Rs.16,67,490/- awarded by the learned Tribunal, along with interest at the rate of 7% per annu,the appellants/claimants are held entitled to award of compensation of **Rs.22,07,490/-**along with interest at the rate of 7% per annum with effect from the date of the claim petition till date of payment, less payment if any already made. Payment be made to the appellants/claimants in the proportion as ordered by the learned Tribunal within four weeks from today.

(B.S. Walia)
Judge

01.05.2023
'Amit'

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