



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

FAO No.3400 of 2013
Date of decision: 08.11.2024

Fakir Chand and Ors.

.....Appellants

Versus

Rajbir and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurvinder Singh Mehra, Advocate for
Mr. Randeep Singh, Advocate for the appellants.
Mr. Sandeep Thakan, Advocate for respondent No.2.
Mr. Suvir Dewan, Advocate for respondent No.3.

ANIL KSHETARPAL, J (ORAL)

This is the claimants’ appeal for enhancement of compensation from what was awarded by the Motor Accident Claims Tribunal, Karnal (For brevity “The Tribunal”).

Late Sh. Sukhvinder Singh aged about 31 years lost his precious life in a motor vehicular accident on 25.06.2011. Learned counsel representing the parties do not dispute the correctness of findings of the Tribunal with respect to involvement of the vehicle, death of Sukhvinder Singh in the accident and the findings with regard to rash and negligent driving. The only issue is with regard to the just compensation, which is payable to the claimants. The Tribunal has assessed the income of the deceased at Rs.6000/- per month. After deducting 50% towards personal expenses, the dependency has been calculated at the rate of Rs.3000/- per month. Multiplier of 11 has been applied, keeping in view the age of the mother of the deceased. The Court has calculated total compensation of Rs.4,06,000/-.

Heard learned counsel representing the parties and perused the record with their able assistance along with the requisitioned record.



Learned counsel representing the appellants has made following submissions:

- i) Sukhvinder Singh was working as a Teacher at the salary of Rs.9800/- per month from April 01,2011 to 31.05.2011 in a private School. Unfortunately, he died in the month of June, 2011. Consequently, the amount of Rs.6000/- as assessed by the Tribunal is not appropriate. Moreover, applicability of appropriate multiplier is not dependent on the age of the claimant.
- ii) The parents are entitled to loss of consortium at the rate of Rs.40,000/- each.
- iii) For funeral expenses and loss of estate, the parents are entitled to Rs.30,000/- (Rs.15,000/- each).
- iv) On account of future prospects, the income is liable to be increased by 40%.

Learned counsel representing the respondents submits that Sukhvinder Singh (since deceased) only worked for two months and thereafter he was unemployed, hence the Court has correctly assessed the income.

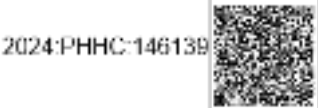
This Court has considered the submissions and perused the record.

It is evident that Sukhvinder Singh was educated and worked as Teacher in a private School for two months, hence the Tribunal erred in treating him as an unskilled worker. Consequently, the income of the deceased is assessed at Rs.9800/- per month.

As per judgment of Hon'ble Supreme Court reported as **National Insurance Company Limited vs. Pranay Sethi and Ors. AIR 2017 Supreme Court, 5157**, the income is required to be increased by 40% on account of future prospects.

Taking into account the fact that Sukhvinder Singh was bachelor,

Hence 50% deduction is required to be applied on account of personal expenses.



Sukhvinder Singh was aged about 31 years at the time of death, hence multiplier of 16 will be applicable.

Keeping in aforesaid facts, the amount of compensation for loss of consortium and funeral expenses and loss of estate, is revised to Rs.40,000/- each i.e Rs.80,000/- and Rs.30,000/- respectively, in the following manner:

Heads	Compensation awarded by the Tribunal	Compensation awarded by the High Court
Income	Rs.6000/-	Rs.9,800/-
Future Prospects	Nil	40%
Net income	-	9800 x 40/100 Rs.13,720/-
Multiplier	11	16
Monthly dependency	Rs.3000/- (50%)	Rs.6,860/- (13720-6860) 6860 x 12 x 16= Rs.13,17,120/-
Loss of consortium	-	Rs.80,000/-
Funeral expenses and loss of estate	-	Rs.30,000/-
Total compensation	Rs.4,06,000/-	Rs.14,27,120/-

The enhanced amount will carry interest at the rate of 7-1/2 % per annum from the date of filing of the petition till the date of its realisation.

With the aforesaid modifications, the present appeal is disposed of.

All the pending misc application(s), if any, shall also stand disposed of.

(ANIL KSHETARPAL)
JUDGE

08.11.2024
manoj

1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No

