



4. In the claim petition filed by the claimant-appellant, it was pleaded that the deceased at the time of his death was aged about 23 years and was employed in the Network Expert/Consultant Apitco Ltd., Hyderabad (Andhra Pradesh) and was earning a sum of Rs. 14,360/- per month. At the time of his death, the claimant-appellant as well as claimant-performa/respondent nos. 1 to 5 were his dependents. The total amount of

5. The claim petition was contested by respondent nos. 1 to 3, who filed their respective statements disputing the claim. The Motor Accident Claims Tribunal, Chandauli after considering the evidence on record and the submissions advanced before him by learned counsel for the parties by its judgment and award impugned in the present appeal, allowed the claim petition in part and awarded a sum of Rs. 4,80,880/- together with interest @ 6% per annum as compensation.

6. Aggrieved, the claimant-appellant as well as claimant-performa/respondent nos. 1 to 5 have filed this appeal for enhancement of compensation. The quantum of compensation awarded by the M.A.C.T. has been challenged by the learned counsel f

(i) The Tribunal failed to award any amount towards future prospects.

(ii) The Tribunal erred in law in applying the multiplier of 11 on the basis of the age of the mother of the deceased whereas the age of the deceased should have been made the basis for applying the multiplier.

(iii) The amount awarded under the conventional head is too meagre and not in consonance with the guidelines laid down by the Apex Court.

7. In support of his contention, learned counsel for the appellant has placed reliance upon the case of **National Insurance Company Ltd. Vs. Pranay Sethi and Others** reported in **2017 LawSuit (SC) 1093**.

8. Per contra, Sri Radhey Shyam, learned counsel appearing for respondent no. 3 has made his submissions in support of the impugned judgment and award and argued that the same does not suffer from any illegality, requiring any interference by this Court. This appeal lacks merit and is liable to be dismissed.

9. We have heard learned counsel for the parties present and perused the impugned judgment and award as well as other material brought on record and we find that there is force in the submissions made by the learned counsel for the appellant.

10. The constitutional Bench of the Apex Court in the judgment rendered in the case of **Pranay Sethi and Others (supra)** in sub-paragraph (iii) to (viii) of paragraph 61 has ruled inter-alia; that while determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax; in case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component; for determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paragraphs 14 to 15 of the case of **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another** reported in **2009 (2) T.A.C. 677 (S.C.)**; the selection of multiplier shall be as indicated in the Table in **Smt. Sarla Verma (supra)** read with para 21 of that judgment; the age of the deceased should be the basis for applying the multiplier; reasonable figures on conventional heads, namely, loss of estate, loss of

consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.

11. In the instant case, there is no dispute about the fact that the deceased was permanently employed and his age was 26 years as per the postmortem report and hence the Tribunal ought to have awarded 50% of actual income of the deceased towards future prospects. We therefore, hold that while determining the income, the amount of 50% of his actual salary shall be added to the income of the deceased towards future prospects.

12. Coming to the second ground of challenge that the Tribunal erred in applying the multiplier of 11 on the basis of the age of the mother of the deceased, there is merit in the aforesaid ground also. In sub-para (vii) of paragraph 61 of the **Pranay Sethi and Others (supra)**, the Apex Court has categorically held that the age of the deceased should be the basis for applying the multiplier.

13. According to the principles laid down by the Apex Court in the case of **Smt. Sarla Verma (supra)**, the correct multiplier to be used where the deceased is aged between 26 to

14. Coming to the last ground of challenge, we find that the Tribunal has awarded a sum of Rs. 2,000/- for funeral expenses and Rs. 5,000/- towards loss of consortium whereas no amount has been awarded towards loss of estate. In sub-para (viii) of paragraph 61 of the **Pranay Sethi and Others (supra)**, the Apex Court has observed that reasonable figures under conventional heads namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively.

15. We, accordingly, proceed to recalculate the compensation in the light of the aforesaid principles. As noted above, the actual salary of the deceased was Rs. 14,360/- per month or Rs. 1,72,320/- p.a. less tax. By adding 50% towards future prospects as the deceased was below the age of 40 years, the deemed gross income of the deceased would be Rs. 14,360/- + 50% of Rs. 14,360/- = Rs. 21,540/- per month or Rs. 2,58,480/- p.a. After deducting 50% amount (i.e. 21,540-10770) towards the living and personal expenses of the deceased, his contribution to the family is determined as Rs. 10,770/- per month or Rs. 1,29,240/- p.a. By applying the multiplier of 17, the total loss of dependency is assessed at Rs. 21,97,080/-. We further award a sum of Rs. 15,000/- towards funeral expenses, Rs. 40,000/- under the head of loss of consortium and Rs. 15,000/- towards loss of estate. We accordingly increase the compensation awarded to the claimant-appellant as well as claimant-performa/respondent nos. 1 to 5 by the Tribunal from Rs. 4,80,880/- to Rs. 22,67,080/-. The claimant-appellant as well as claimant-performa/respondent nos. 1 to 5 shall further be entitled to interest @ 6% p.a. on the increased amount of compensation from the date of filing of the claim petition till the actual payment is made.

16. The appeal is allowed in part.

17. The impugned judgment and award stands modified to the extent indicated hereinabove.

18. The parties shall bear their own costs.

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