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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAC.APP. 255/2010

BABITA SINGHAL & ORS Appellant
Through : Mr. S.N. Parashar, Advocate

versus

DILBAG SINGH & ORS Respondent
Through : Mr. Pankaj Seth, Advocate

CORAM:
JUSTICE SHIV NARAYAN DHINGRA

ORDER
26.04.2010

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This appeal has been preferred by the appellants against a judgment and order dated 14.12.2009 passed by learned Tribunal whereby the learned Tribunal granted a compensation of Rs.14,97,000/- to the claimants in case of death of deceased.

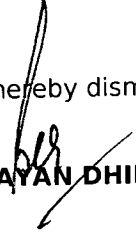
The present appeal assails the order on the ground that the compensation was on the lower side. The counsel for the appellant submits that future prospects of the progress in the business of the deceased have not been taken into account by the Tribunal. The Tribunal has meticulously followed the judgment of the Supreme Court in *Smt. Sarla Verma & Ors. v Delhi Transport Corporation & Anr. 2009 ACJ 1298* and has taken into account the income of the deceased as per the income tax returns produced on the year of the death of deceased. Multiplier has been taken as per law laid down in *Sarla Verma's case (supra)*. Dependency has also been calculated after giving deductions in terms of *Sarla Verma's case (supra)*. It has been categorically laid down by the Supreme Court in *Smt. Sarla Verma's case (supra)* of the persons who are self-employed or persons having fixed income or the persons in business, the income of the year of death has to be considered by the Court in calculating the

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compensation. The future prospects are to be added only in those cases where the deceased is in regular service and there are chances of his career promotions and his career has to progress during the service with the passage of time by getting promotions. The Apex Court declined taking into account the prospects of pay revision. That only shows that in case of self employment the compensation has to be calculated on the basis of actual income of the year. In case of business, the career prospect does not follow a uniform pattern as it is the case with regular service where a person's career progress by way of promotion etc. The future prospects were, therefore, rightly not added in making compensation calculations.

I, therefore, find no force in this appeal. The appeal is hereby dismissed.


SHIV NARAYAN DHINGRA, J

APRIL 26, 2010
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