THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3069 of 2002
Date of decision : 27.01.2015

Shareef Ahmed and others

......Appellants

Versus

Gurbaksh Singh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Varun Issar, Advocate
for the appellants

Mr. Rahul Pathania, Advocate for
Mr. Harsh Aggarwal, Advocate
for respondent No. 2

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ANITA CHAUDHRY, J.

This is the claimants appeal seeking enhancement in the award dated 05.02.2002 passed by the Motor Accident Claims Tribunal, Chandigarh.

The submission made on behalf of the appellants is that Aarif Ahmed was 16 years at the time of accident and the Tribunal had applied the multiplier of 16. It was urged that the income was taken at ₹ 2,000/- per month when there was evidence that he was working in a Saloon in Sector 32, Chandigarh and was getting salary of ₹ 3,000/- per month. It was urged that no amount had been added towards future prospects or for loss of love and affection.

The submission on the other hand was that the accident had taken place in 1999 and no evidence could be produced to show that he was working in a Saloon and no record could be produced and the minimum wages in that year were less than ₹ 1,000/- per month and the Tribunal had already taken a higher amount. It was urged that the deduction in the case of unmarried son should be 50% and no further addition should be made.

There is no evidence with respect to the income, therefore, I would make no change in the income. The Tribunal had taken ₹ 2,000/- per month as income of the deceased considering the fact that the deceased was only 16 years. An addition of 50% has to be made towards future prospects which raises the income to ₹ 3,000/- per month. Since the deceased was a bachelor, therefore, a deduction of 50% has to be made for personal expenses. The amount available for the family would be ₹ 1500/- per month. The annual contribution would come to ₹ 18,000/-. Applying the multiplier of 18, the compensation would come to ₹ 3,24,000/-. To this a sum of ₹ 5,000/- should be added as funeral expenses. ₹ 10,000/- on account of loss of estate, raising the total to ₹ 3,39,000/-. The Tribunal had awarded a sum of ₹ 1,72,000/- which would be deducted and shared by the claimants in the same ratio as allowed by the Tribunal. The amount would be payable within two months failing which the claimants shall be entitled to interest @ 6% from the date of filing of the appeal till realization.

27.01.2015 **(ANITA CHAUDHRY)**
reena **JUDGE**