IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1308 of 2002 (O&M)
Date of decision: 10.04.2015

Archana Bansal and another ….Appellants

Versus

Avtar Singh and others ….Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. Sagar Aggarwal, Advocate
for Mr. Ashit Malik, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate
for Mr. Ravinder Arora, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This is an appeal directed by Archana Bansal-minor daughter and Mani Devi mother of deceased-Subhash Bansal, who died in a motor vehicular accident.

The only dispute raised during the course of arguments is regarding the quantum. The income of the deceased has been taken as Rs.96,986/- by rounding off the amount to Rs.97,000/- per annum, on the basis of income-tax return and counsel for both the parties have not disputed the age of the deceased. The only contention raised by learned counsel for the appellant is that in view of authority ***"Rajesh and others vs. Rajbir Singh and others"*** reported in **2013(3) R.C.R. (Civil) 170,** future prospects should have been taken into account. He has further contended that no amount in respect of loss of love and affection, loss of estate, funeral expenses has been granted. He has further contended that multiplier applicable at the age of 40 years is 15 as per ***"Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another"*** reported in **2009(3) R.C.R. (Civil) 77**.

On the other hand, learned counsel for the insurance company has submitted that the matter regarding future prospects in respect of self-employed person or a fixed salaried person is pending before the Hon'ble Apex Court before the Larger Bench. So, the claimants are not entitled for future prospects and it is further submitted that multiplier has been rightly applied. No other argument has been addressed.

I have considered the submissions made by learned counsel for both the parties and have gone through the case file and record carefully.

The income of the deceased has been taken as Rs.97,000/- per annum and even the age of the deceased has not been disputed during the course of arguments. The question arises whether future prospects in respect of self-employed person can be taken into account or not. This Court in ***"Balbir Kaur and others Vs. State of Haryana and others"*** in **FAO No.3903 of 2012** decided on 15.01.2014, has approved the Rajesh and others case (supra) and held that the future prospects has to be taken into account. In view of the said authority, 30% amount is to be added in respect of future prospects. So, the income of the deceased comes to Rs.1,26,100/- by adding 30% of 97,000/-. The dependents are two in number, so, 1/3rd amount has to be deducted in respect of personal expenses. So, in these circumstances, the dependency comes to Rs.84066.6 and the multiplier applicable at the age of 40 as per Sarla Verma's case (supra) is 15. By applying the multiplier of 15, the amount of compensation comes to Rs.12,60,999/- say Rs.12,61,000/-. The occurrence relates to the year of 2000 and as such, the amount of love and affection, funeral expenses, has to be taken into account as per the price index prevailing at that time. So, a sum of Rs.10,000/- stands allowed in respect of funeral expenses, transportation, etc. and another sum of Rs.25,000/- stands allowed in respect of loss of love and affection. So, the claimants are held entitled to claim Rs.12,96,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. The liability to pay the amount shall be same as ordered by the learned Tribunal.

Appeal stands disposed of, accordingly.

A copy of this order be sent to the Tribunal for compliance.

(K.C. PURI)
JUDGE

10.04.2015
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