

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.2435 of 2010 (O&M)
Date of Decision: February 10, 2015

Rubbal and others

..Appellant(s)

Versus

Jagraj Dass and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes

Present: Mr. S.K. Yadav, Advocate
for Mr. Gurinder Pal Singh, Advocate
for the appellant(s).

Mr. Paul S. Saini, Advocate
for respondent no.3-insurance company.

ANITA CHAUDHRY, J.

1. This is the claimants' appeal seeking modification of the award dated 24.11.2009 passed by the Motor Accident Claims Tribunal, Rewari (here-in-after referred to as the Tribunal).

2. Before referring to the submissions made on behalf of the appellants, it is apposite to refer to the relevant facts. Krishan was a Lecturer in Physics at a Senior Secondary School in Jhajjar. He was crushed under the rear tyre of a

truck on 22.05.2008. The Tribunal noted that Krishan was drawing salary of Rs.11,790/- per month. The claimants had pleaded that he had additional income of Rs.50,000/- from tuition work. The Tribunal took the income to be Rs.11,970/- per month and made a deduction of 1/3rd and applied the multiplier of 17 to arrive at the compensation of Rs.16,27,920/-. A sum of Rs.12,080/- was awarded on the miscellaneous heads and a sum of Rs.16,40,000/- was allowed with interest.

3. The submission on behalf of the appellants is that as per the decision of Hon'ble Supreme Court in ***Rajesh and others Vs. Rajbir and others (2013) 9 SCC 54***, an addition in the income towards future prospects should have been granted, since the deceased was a Government employee and the Tribunal had awarded only Rs.12,000/- on the miscellaneous heads and they were entitled to separate amount for loss of consortium, funeral expenses, loss of love and affection and transportation.

4. The submission on the other hand was that the Tribunal had applied the multiplier of 17 and considering the age, it should not be more than 16 and the accident took place in 2008.

5. The deceased was a P.G.T. Lecturer in Physics in a Government School. His monthly salary was Rs.11,970/-. He was under 40 years of age, therefore, an addition of 50% should have been made towards future prospects which would

raise the total salary to Rs.17,955/-. Making the deduction of $\frac{1}{3}^{\text{rd}}$, the amount available for the family would be Rs.11,970/- and the annual contribution would come to Rs.1,43,640/- and applying the multiplier of 16, the compensation would come to Rs.22,98,240/-. A sum of Rs.50,000/- should be added on the head of loss of consortium, a sum of Rs.50,000/- is added for loss of estate. A sum of Rs.10,000/- is added for funeral expenses; raising the total to Rs.24,08,240/-. The Tribunal had awarded compensation of Rs.16,40,000/-, which would be deducted and the remaining amount would be paid to the appellants in the same ratio as allowed by the Tribunal within a period of two months, failing which the appellants would be entitled to interest @ 6% from the date of filing the appeal till realization.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

February 10, 2015
sunil