

THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 1584 of 2013

Date of decision : 09.01.2015

Lali Devi and another

.....Appellants

Versus

Ved Parkash and others

...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. Ashok Kumar Jindal, Advocate for
Mr. Sanjay Mittal, Advocate
for the appellants

Mr. Mukesh Yadav, Advocate
for respondent No. 1

Mr. Tanuj Sharma, AAG Haryana
for respondent No. 2

Mr. Lalit Garg, Advocate
for respondent No. 3 – National Insurance Company Ltd.

ANITA CHAUDHRY, J.

This is claimants appeal seeking enhancement of the award dated 17.01.2013 passed by the Motor Accident Claims Tribunal, Narnaul.

The submission made on behalf of the appellants is that the deceased was a Mason but his income was taken as that of labourer at ₹ 4200/- per month. It was urged that there was no addition with respect to future prospects and the funeral expenses of

₹ 10,000/- was awarded which should have been ₹ 25,000/- and addition on the heads of loss of care for the parents should be added.

Per contra the submission on behalf of the Insurance Company was that there was no evidence that the deceased was a Mason and the oral statement made by the claimants was not accepted and in the absence of any material the Tribunal had rightly taken the deceased to be a labourer. It was urged that the Hon'ble Apex Court is considering the issue of addition towards future prospects.

The Tribunal had taken the income of the deceased to be ₹ 4200/- per month considering him a labourer as there was no evidence from the side of the claimants that Umed Singh had an income of ₹ 12,000/- per month. The minimum wages in Haryana in July 2011 were ₹ 4643.85/ which can be taken as ₹ 4644/-. Though the matter is under consideration with the Hon'ble Apex Court but an increase towards future prospects needs to be made as per ***Reshma Kumari vs. Madan Mohan, 2013(2) RCR (Civil) 660***. Adding 50% to ₹ 4,644/- the monthly income would come to ₹ 6,966/-, making a deduction of 1/3rd the amount available for the family would be ₹ 4,644/-. The annual contribution would come to ₹ 55,728/-. Applying the multiplier of 18 the compensation would come to ₹ 10,03,104/-. The Tribunal had allowed a sum of ₹ 6,24,800/- which would be deducted from the amount calculated above, and the remaining amount would be shared in the same proportion amongst the legal heirs as allowed by the Tribunal. The amount would be

paid/deposited within two months failing which the claimants/proforma respondent would be entitled to interest @ 6% from the date of filing of the appeal till realization.

09.01.2015

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(ANITA CHAUDHRY)
JUDGE