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

FAO No.1837 of 2015 (O&M)
Date of Decision: March 19, 2015

United India Insurance Company Ltd. .... Appellant

vs.

Parveen and others .... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rajesh K. Sharma, Advocate for the appellant.

1.Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

CM-5637-CII-2015

For the reasons mentioned in the application, delay of three days in filing the present appeal is condoned, subject to all just exceptions.

Application stands disposed of.

FAO-1837-2015

Naresh Chand Sharma working as Senior Manager in Gurgaon Gramin Bank, Hansaka Branch, died in motor vehicular accident on 21.01.2011. The Motor Accident Claims Tribunal, Rewari (in short 'the Tribunal') determined the age of the deceased to be 57 years. The income of the deceased was assessed @ ₹49,474/- per month, as per the evidence led regarding his salary. 15% of the salary were added towards future prospectus, on the basis of judgment of Hon'ble the Apex Court in case of ***"Rajesh vs. Rajbir Singh 2013 (9) SCC, 54.*** 1/4th was deducted as personal expenses on the basis of the fact that there were four dependents and the dependancy of the claimants was calculated @ ₹34,137/-. The multiplier of 9 was applied and consequently, the compensation was calculated @ ₹36,86,796/-. ₹25,000/- towards funeral expenses and ₹1,00,000/- towards loss of consortium were also allowed. In total, a compensation of ₹38,11,796/- along with interest @ 7.5% per annum was awarded. The respondents jointly and severally were liable to pay the compensation.

Learned counsel for the Insurance Company has raised three contentions. (i) Future prospectus have been wrongly allowed. (ii) Deduction for the personal expenses should have been deducted 1/3rd. (iii) Since the deceased was at the age of 57 years, the split multiplier should have been applied.

The deceased was a Senior Bank Manager. Though, he was to retire at the age of 60 years. He had still three years to go during which there were good chances of getting his promotion and even after retirement, he could get good assignment.

In these circumstances, I am of the view that considering the status of the deceased and the facts of the present case, the authority of Rajesh's case (supra) was correctly applied by the Tribunal.

The Hon'ble Supreme Court in ***"Reshma Kumari and others vs. Madan Mohan and another", 2013(9) SCC 65 ,*** had held that the multiplier is to be applied as per schedule given in ***"Sarla Verma Vs. Delhi Transport Corporation", 2009(3) RCR (Civil) 77***. Therefore, the split multiplier cannot be applied.

Regarding the dependancy, learned counsel for the appellant has argued that the son of the deceased was 27 years of age and he was employed. His daughters were also married. They cannot be considered as dependents of the deceased.

I do not agree with the said argument of the learned counsel for the appellant. In case of daughters, the parents have to spend on them one or the other religious and social liability for the whole life. Therefore, they can be treated in the category of limited dependents. There is nothing mentioned in the Award that the son of the deceased was earning and he was not dependent upon the income of his father.

It being so, 1/4th of the salary was rightly deducted as personal expenses. Thus, there is no error in the Award passed by the Tribunal. The appeal is accordingly dismissed.

₹25,000/- deposited by the Insurance Company before this Court be remitted to the Tribunal for disbursement to the claimants.

(KULDIP SINGH)
JUDGE

March 19, 2015
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