

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

**FAO No.4176 of 2013 (O&M)
Date of decision: 31.07.2015**

Jasvir Kaur and another

....Appellants

Versus

Oriental Insurance Company through its Branch Manager and
others

....Respondents

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

Present: Mr. Harindar Kumar Aurora, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
and Ms. Monika Jangra, Advocate
for respondent No.1.

K.C. PURI J. (Oral)

This is an appeal directed by the claimant against the
award dated 02.04.2013 passed by Sh. G.K. Dhir, Motor Accident
Claims Tribunal, Hoshiarpur, vide which the claim petition was
partly accepted.

The case of the claimant is that the deceased-
Balwinder Singh aged 47 years, was working as a Mechanic in an
Agricultural Implements Industry, known as Sohal Agricultural
Industry, 47-Industrial Estate, Jalandhar road, Hoshiarpur and was
earning Rs.6,500/- per month as salary. He died in a motor

vehicular accident on 30.03.2012, in a motor vehicular accident and compensation to the tune of Rs.10,00,000/- along with interest @ 12% was claimed.

The learned Tribunal after adjudication partly accepted the claim petition and allowed a sum of Rs.4,31,000/-.

Learned counsel for the appellant has submitted that the income of the deceased has been wrongly taken as Rs.4,000/- per month. In fact, he was drawing salary of Rs.8,000/- per month and employer has proved the income of the deceased.

On the other hand, learned counsel for the insurance company has supported the award and has submitted that no corroborative record has been produced and as such, the income has been rightly taken by the Tribunal.

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

In the claim petition, the income of the deceased has been mentioned as Rs.6,500/- per month, but AW-3, namely, Maninder Singh, has stated that the deceased was earning Rs.8,000/- per month. The Tribunal has not accepted the testimony of AW-3 on the ground that the other relevant record has not been produced. The Tribunal has taken the income of the deceased as Rs.4,000/- per month.

After considering the submissions of both the sides, I

am of the view that the statement of AW-3 has been rightly not accepted by the Tribunal. However, the income of the deceased in the year 2012 as Rs.4,000/- per month is on lower side. So, the income of the deceased is taken as Rs.5,000/- per month. The deceased was 48 years as per the finding of the Tribunal. By relying upon the authority ***“Rajesh and others Vs. Rajbir Singh and others”*** reported in **2013(3) R.C.R. (Civil) 170**, 30% amount has to be added in respect of future prospects. So, the income of the deceased comes to Rs.6,500/- per month by adding 30% amount in respect of future prospects. The Tribunal has deducted 1/3rd amount in respect of personal expenses. After considering that there are three dependents in number, that finding has not been challenged. So, after deducting 1/3rd in respect of personal expenses, the dependency comes to Rs.4,333.3/- per month and the yearly dependency comes to Rs.51,999.9/- say Rs.52,000/- per annum. The deceased was 48 years, so, as per ***“Smt. Sarla Verma and others vs. Delhi Transport Corporation and another”*** reported in **2009(3) R.C.R. (Civil) 77**, the multiplier of 13 has rightly been applied by the Tribunal. So, by applying that multiplier, the amount of compensation comes to Rs.6,76,000/-. Another sum of Rs.25,000/- stands allowed in respect of expenses on last rites by keeping in view the price index of 2012. Another sum of Rs.75,000/- stands allowed in respect of loss of love and affection and Rs.75,000/- stands allowed to the widow in respect

of consortium. So, in this manner, the claimants are held entitled to claim Rs.8,51,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. The amount already disbursed to the claimants shall be adjusted against the said amount. The liability to pay the enhanced amount shall be same as ordered by the Tribunal. Out of the enhanced amount Rs.2,21,000/- shall be paid to the widow and the remaining amount shall be shared by remaining claimants in equal share.

Appeal stands disposed of, accordingly.

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

31.07.2015
yakub

(K.C. PURI)
JUDGE