105 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2327 of 2015 (O&M)
Decided on: 8.4.2015.

HDFC ERGO General Insurance Company Limited

... Appellant

Versus

Smt. Sadhna Devi and others

... Respondents

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

Present : Mr. Sanjeev Goyal, Advocate, for the appellant.

K.C.PURI.J.

This is an appeal directed by insurance company against the Award dated 9.1.2015 passed by Sh. A.S. Narang, Motor Accident Claims Tribunal, Jhajjar (for short “the Tribunal”) vide which the claim petition has been partly accepted and a compensation of Rs.12,10,000/- has been allowed in respect of death of Mahender Singh in a motor vehicular accident.

Widow Sadhna Devi along with four minor children and mother are the claimants in the present case. The claimants have pleaded before the Tribunal that income of the deceased was Rs.22,000/- per month from selling fodders for cattle. However, the Tribunal has taken Rs.8000/- per month as income. The monthly dependency has been assessed as Rs.6000/- (8000-2000) by deducting 1/4th in respect of personal expenses of the deceased by relying upon authority **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009(6) SCC 121**. The age of the deceased was 37 years so the multiplier of 15 was rightly applied in consonance with **Sarla Verma's case (supra)**. Another sum of Rs.1 lac has been allowed in respect of loss of consortium, Rs.1 lac for loss of love and affection and another sum of Rs.25,000/- was allowed in respect of funeral expenses etc. In this manner, total compensation of Rs.12,10,000/- was awarded.

The insurance company has challenged the Award on the ground of quantum only.

Learned counsel for the appellant insurance company has submitted that in the year 2012, minimum wages for a skilled labourer were Rs.5400/- and for an unskilled labourer were less than that amount so, the income of Rs.8000/- per month is on higher side.

I have considered the said submission but do not find any force in that submission.

Even for the sake of arguments, if the income of the deceased is taken as Rs.5400/- per month in that case also, keeping in view the authority **Rajesh and others vs. Rajbir Singh and others 2013 ACJ 1403** even relied upon by the Tribunal, an addition of 50% towards the income of the deceased has to be given on account of future prospects as age of the deceased was 37 years. So, the amount comes to Rs.8100/- (5400+2700).

So, I find no fault in the income assessed by the Tribunal. Consequently, the appeal is without any merit and the same stands dismissed.

8.4.2015. **(K.C.PURI)**
SN **JUDGE**