

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

**FAO No.4989 of 2015 (O&M)
Date of Decision: August 03, 2015**

Shri Ram General Insurance Company Limited Appellant

vs.

Karnail Kaur and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Sheenu Sura, 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)

The Insurance Company has filed the present appeal against the Award dated 27.04.2015 passed by the Motor Accident Claims Tribunal, SAS Nagar (Mohali) {in short 'the Tribunal'}.

The brief facts of the case are that Kashmira Singh, aged about 25 years, who was unmarried son of the claimant had died in a motor vehicular accident on 31.07.2014. The Tribunal assessed the income of the deceased to be of an ordinary labourer @ ₹6,000/- per month. 50% of the income was added on account of future prospects. Thereafter, 50% was deducted as personal expenses. The dependency of the claimant was calculated ₹4,500/- per month. After applying the multiplier of 17 per the age of the deceased, the compensation was calculated at ₹9,18,000/-. In addition to this,

₹1,00,000/- for loss of love and affection, ₹25,000/- for loss of estate and ₹25,000/- for funeral expenses were also awarded. The Tribunal awarded the total compensation of ₹10,68,000/- with interest @ 6% per annum from the date of filing of the claim petition till its realization.

The only contention of learned counsel for the appellant is that the multiplier as per the age of the claimant should have been applied and that the future prospects cannot be added as the deceased was a self employed person.

Recently a three Judges Bench of Hon'ble Supreme Court in ***“Munna Lal Jain and another vs Vipin Kumar Sharma and others”*** in Civil Appeal No.4497 of 2015, decided on 15.05.2015, examined the question of grant of compensation to the self-employed person. Deceased was self-employed *Pandit* and was bachelor in the said case. The question of grant of future prospects to self-employed person was also considered. The Apex Court after examining the authority of ***“Santosh Devi vs National Insurance Company Limited”, (2012) 6 SCC 421***, ***“Smt. Sarla Verma and others vs Delhi Transport Corporation and another” (2009) 6 SCC 121***, took the view that even in case of self-employed person, addition of future income on account of future prospects is to be added.

After considering the authorities of **Sarla Verma's case (supra)**, "**Reshma Kumar and others vs Madan Mohan and another**", (2013) 9 SCC 65 and **Santosh Devi's case (Supra)**, the Hon'ble Supreme Court also took the view that the multiplier as per age of the deceased is to be applied and not as per age of the dependents and accordingly enhanced the compensation.

It being so, the matter has already been settled by Hon'ble the Supreme Court. Therefore, even in case of self employed, the income on account of future prospects is to be added and multiplier as per the age of the deceased is to be applied.

Therefore, there is no illegality and infirmity in the impugned Award.

Accordingly, the present appeal is dismissed.

August 03, 2015
sarita

(KULDIP SINGH)
JUDGE