

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.598 of 2015 (O&M)

Date of decision: 17.03.2015

Shri Ram General Insurance Company Ltd.

..... Appellant

versus

Nirmla Devi & others

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Raj Bir Singh, Advocate for
Mr. Sanjeev Goyal, 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.

The Insurance Company has thrown challenge to the award dated 17.11.2014, passed by Presiding Officer, Motor Accident Claims Tribunal, SAS Nagar, Mohali.

In this case, Purushotam @ Pappu son of late Ram Gopal while sitting in Car bearing registration No.HP-52-A-6667, being driven by Kailash Chand was going from Shimla to Sonapat on the night intervening 17/18.7.2012. At about 1.30 a.m., near Bushan factory, Dera Bassi on Chandigarh Ambala National Highway, the car was hit by truck bearing registration No.HR-37-0339. As a result of which, said Purushotam @ Pappu suffered grievous injuries and ultimately succumbed to the injuries. It is stated that Purushotam @ Pappu was 25 years of age. He had dropped out from the school

after 10+2 examination to support his family. His father was heart patient. He was to maintain his younger sister and parents. He was running a fruit shop for the last three years. Deceased was completing graduation as a private candidate. He was student of BA 3rd year. Father of the deceased died due to heart attack. The claimants who happen to be mother, brother and sister of the deceased, are dependent upon him.

The Tribunal assessed the income of the deceased as Rs.6000/- per month. By adding 50% as future prospects and it applied the multiplier of 18, Rs.25000/- were allowed on account of funeral expenses. A compensation of Rs.9,97,000/- was allowed.

Learned counsel for the appellant has contended that future prospects were wrongly calculated and that the multiplier was to be applied as per the age of the parents. In Reshma Kumari v. Madan Mohan, 2013 9 SCC 65, the Supreme Court examined the point regarding application of multiplier in such cases and took the view that the multiplier as per table given in Sarla Verma and others v. Delhi Transport Corporation and others, 2009 ACJ 1298 (SC), has to be applied. Therefore, multiplier as per age of the deceased was correctly applied and the authorities in the case of Sarla Verma (supra) and Rajesh and others v Rajbir Singh and others, 2012 ACJ 1403 (SC) was correctly applied by the Tribunal.

So far as future prospects are concerned, it was held in Rajesh's case (supra) that future prospects are also to be allowed to a person who is not a salaried person or having a fixed income.

Therefore, the authority of Rajesh's case (supra) was correctly

applied to grant the future prospects.

Thus, there is no illegality or infirmity in the impugned award.

The appeal is accordingly dismissed.

17.03.2015
gk

(Kuldip Singh)
Judge