

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 3981 of 2010 (O/M)
Date of decision : 31.7.2015

Amarjit Kaur and another

..... Appellants

Versus

Ram agar Bassi @ Prem Sagar Bassi and others..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ankur Gupta, Advocate, for,
Mr. D.K. Gupta, Advocate, for the appellants.

Mr. Vinod Gupta, Advocate, for respondent No. 3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

The present appeal has been filed against the award dated 22.1.2010, passed by the Motor Accident Claims Tribunal, Ludhiana (in short 'the Tribunal').

Both the learned counsel for the parties stated that since only the law point is involved, therefore, the original record is not required.

I have heard learned counsel for the parties and have also carefully gone through the file.

The brief facts of the case are that on 15.5.2007,

Amrinder Singh, aged about 19 year, a student of B. Pharmacy, while driving motorcycle, bearing registration No. PB-43-B-1383, was hit by truck, bearing registration No. HP-12-3911, being driven by respondent-driver. A criminal case was registered against the driver of the offending truck. The Tribunal assessed the notional income of the deceased as Rs. 3,000/-, which were the minimum wages. 1/3rd was deducted on account of personal expenses and the dependency of the claimants was calculated at Rs. 2,000/- per month and Rs. 24,000/- per year. The multiplier of 10, as per the age of the parents, was applied and the compensation was calculated at Rs. 2,40,000/-. No compensation under the other conventional heads was awarded. It was further directed that the amount shall be paid within three months from the date of the award, failing which interest at the rate of 7% per annum was to be paid.

I am of the view that the income of B. Pharmacy student, who was in third year, could not be treated as of casual labourer.

Learned counsel for the appellants has relied upon the authority of this Court in *Rekha Rani and another Versus Ranjit Singh and another*, wherein in a case of a student of engineering, his monthly notional income was assessed at Rs. 10,000/- per month. Here, he was a student of B. Pharmacy. Therefore, his notional income can safely be assessed at Rs. 6,000/- per month. From the said income, 50% is deducted on account of personal expenses. The dependency of the claimants comes to Rs. 3,000/-

per month. The Tribunal erred in applying the multiplier, as per the age of the parents. In view of the authority of the Apex Court in Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77 and followed by a Three-Judges Bench of the Apex Court in case of Munna Lal Jain and another Versus Vipin Kumar Sharma and others, in Civil Appeal No. 4497 of 2015, decided on 15.5.2015, the multiplier, as per the age of the deceased, is to be applied, which in this case is 18. The amount of compensation will come to Rs. 3,000/- x 12 x 18 = Rs. 6,48,000/-. Rs. 25,000/- on account of funeral and last rites are allowed. Another sum of Rs. 1,00,000/- is also allowed for loss of love and affection to the parents. The total amount of compensation thus comes to Rs. 7,73,000/-.

I am of the view that the Tribunal had erred in not allowing the interest from the date of filing the claim petition till its realization.

In view of the matter, it is further ordered that the total compensation i.e. Rs. 7,73,000/- shall be payable to the claimants with interest at the rate of 7.5% per annum from the date of filing the claim petition till its realization. The amount shall be equally shared by the claimants. The appeal is accordingly allowed.

(KULDIP SINGH)
JUDGE

31.7.2015
sjks