

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

FAO No.973 of 2015 (O&M)
Date of Decision: February 06, 2015

Shri Ram General Insurance Co. Ltd ...Appellant

Versus

Sanjida and others ...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. M.B. Jain, Advocate
for the appellant-Insurance Company.

FATEH DEEP SINGH, J.

C.M. No.2673-CII of 2015

Heard on application for condonation of delay in
filing of appeal.

In view of the grounds mentioned in the
application for condonation of delay duly supported by an affidavit
of the appellant and in the light of settled position that a litigant
cannot be denied access to justice on hyper technical grounds and
in the interest of justice taking a lenient view, delay of 16 days in
filing the appeal stands condoned.

CM stands disposed off.

FAO No.973 of 2015

In this invocation by the appellant-Insurer of
offending truck No.HR55D-4447 which was involved in an accident
on 22.3.2013 leading to death of deceased Sarfu the challenge is

over the grant of compensation under the head 'Increase in future prospects'.

No doubt as has been argued by Mr. M.B. Jain, learned counsel for the appellant that there is 50% added by way of increase in future prospects and which question is under the active consideration of a Larger Bench in light of views expressed in **Reshma Kumari and others vs. Madan Mohan and others 2013 Vol II R.C.R (Civl) 660** and **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (3) RCR (Civil) 77** however, having regard to the fact that due to lack of evidence learned Tribunal has considered the deceased to be a daily wage earner and has taken the minimum wages applicable to the State of Haryana to be ₹5200/- per month and which certainly is most appropriate. The learned Tribunal has applied deduction of 1/5th keeping in view the number of dependants and socio-economic status of the family and after adding future prospects considered the total dependency to the tune of ₹6240/- per month and taking into account the age of the deceased to be 26 years has applied the multiplier of 17 and, thus, has awarded ₹12,73,000/-. The learned Tribunal has further awarded a sum of ₹25,000/- for the last rites and ₹15,000/- for loss of consortium, totalling to ₹13,13,000/-. Since as has been noticed the learned Tribunal has not considered any compensation under the conventional heads like loss of consortium, loss of love and affection and on account of death of his sole bread earner. Especially, in lower strata of the society the family is suddenly thrown onto the road and, thus, left to fend for themselves and if the same is considered then the

overall compensation would be in-tune with the compensation so awarded. Though, there is a minor variation under various heads, however, the overall compensation of ₹13,13,000/- is fair and just.

Thus, there is nothing on the face of the impugned award to call for any interference. The instant appeal, as such, is dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

February 6, 2015
aarti