

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

FAO No.2339 of 2002

Date of decision : 04.08.2016

Mange Ram and others

.....Appellants

Versus

Zile Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sushil Jain, Advocate for appellants.

Mr. Ravinder Arora, Advocate for

Ms. Vandana Malhotra, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 09.08.2001, passed by the learned Motor Accidents Claims Tribunal, Sonipat (hereinafter called the 'Tribunal') vide which the appellants-claimants have been awarded a sum of ₹ 1,44,000/- as compensation along with interest @ 9% per annum on account of death of Ranbir Singh as a result of injuries suffered by him in the motor vehicular accident, which took place on 02.10.1999.

2. The present appeal has been preferred by the appellants-claimants for enhancement of amount of compensation.

3. Learned counsel appearing for the appellants-claimants contended that the deceased was a driver by profession and was earning ₹3500/- per month. The learned Tribunal has observed that he was contributing only ₹800/- per month to the family without any foundation.

He further contended that no future prospects have been added to the income of the deceased. No amount has been awarded to the appellants towards loss of love and affection. The multiplier has also been applied wrongly and funeral expenses have also not been awarded. Thus, he contended that just compensation have not been awarded to the claimants.

4. On the other hand, Mr. Ravinder Arora, Advocate appearing for Ms. Vandana Malhotra, Advocate, learned counsel for the respondent-Insurance Company contended that the learned Tribunal has awarded the just compensation. The deceased was not holding any permanent job. So, the claimants were not entitled for addition of any future prospects to the income of the deceased. The multiplier has also been applied correctly keeping in view the age of the claimants. Thus, he contended that the impugned award does not call for any interference.

5. I have duly considered the aforesaid contentions.

6. The learned Tribunal has determined the income of the deceased to be ₹ 2500/- per month. The learned Tribunal has accepted the version of the claimants that the deceased was employed as a driver and he used to drive TATA-407 bearing registration No.HR-29D-0657. So, the deceased was the driver of a commercial vehicle. He was a skilled person. So, his income was bound to increase with the passage of time. The learned Tribunal was required to add future prospects to the income of the deceased. I do not find any substance in the plea raised by learned counsel for the respondent-Insurance Company that no future prospects were required to be added as the deceased was not having any permanent job carrying annual

increments because it is a fact of common knowledge that the income of every person increases with the passage of time. Even the wages of the unskilled labourers appreciate that is why the government revises the minimum wages of the labourers periodically.

7. The deceased was 25 years of age at the time of the accident/death. So, 50% of the income of the deceased were required to be added towards the future prospects. The total income of the deceased comes to ₹ 3750/- per month i.e. ₹ 45,000/- per annum.

8. The deceased was a bachelor. The claimants are the parents and siblings. In view of the law laid down by Hon'ble Apex court in case ***Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77***, 50% of the income of the deceased shall be deducted towards his living and personal expenses. The remainder comes to ₹ 22,500/-. In view of the age of the deceased multiplier of 18 shall be applicable. The loss of dependency comes to ₹ 4,05,000/-. In addition to the aforesaid amount, the parents shall be entitled to a sum of ₹ 1,00,000/- towards loss of love and affection of their son. They will also be entitled to ₹ 25,000/- towards funeral expenses and ₹10,000/- towards loss to estate. The total amount of compensation comes to ₹5,40,000/-.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellants-claimants is enhanced to ₹ 5,40,000/- from ₹ 1,44,000/- as awarded by the Tribunal. The enhanced amount of compensation be deposited with the learned Tribunal within a period of 60 days from today,

failing which the appellants-claimants shall be entitled to interest @ 7.5% per annum from the date of filing the claim petition till realisation. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

04.08.2016
sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No