IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No.1359 of 2015 (O&M)

Date of decision : 06.12.2016

Davinder Singh and another

......Appellants

Versus

Bhupinder Kaur and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. H.S. Bhullar, Advocate for appellants.

Ms. Kuljeet Kaur, Advocate for
Mr. R. N. Singal, Advocate for respondent No.5.

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DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 08.12.2014, passed by the learned Motor Accidents Claims Tribunal, Amritsar (hereinafter called the "Tribunal"), in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short the "Act") vide which respondents No.1 to 4 - claimants have been awarded a sum of ₹17,01,529/- as compensation on account of death of Sarwan Singh in the motor vehicular accident which took place on 21.03.2012.

2. The present appeal has been preferred by the appellants/ owner and driver of the offending vehicle to assail the award.

3. I have heard learned counsel for the parties and have gone

through the record meticulously.

4. Initiating the arguments, learned counsel for the appellants contended that the learned Tribunal has awarded the exorbitant compensation. The income of the deceased has been taken to be on the higher side. Even the exorbitant amount of compensation has been awarded under the conventional heads. Thus, he contended that the compensation computed by the learned Tribunal is not in accordance with law.

5. I have duly considered the aforesaid contentions but same are devoid of merits.

6. The learned Tribunal has assessed the income of the deceased on the basis of income tax returns. As per the case of the claimants deceased Sarwan Singh was a self-employed and was doing the business of iron boxes under the name and style Guru Ram Dass Trunk House. The income of the deceased has been assessed on the basis of income tax returns Ex.P4 to Ex.P9 *i.e.* for the assessment year 2000-01 to 2007-08. Thus, the learned Tribunal has rightly determined the income of the deceased at the rate of ₹1,06,500/- per annum on the basis of income tax returns.

7. The deceased was 42 years of age at the time of the accident. The learned Tribunal has rightly added 30% future prospects to the income of the deceased. The multiplier of 14 has also been applied correctly as per the age of the deceased. There were four dependent family members of the deceased, so the deduction of $1/4^{th}$ of the income of the deceased towards his personal and living expenses is also correct.

8. Thus, the loss of dependency has been rightly computed by

the learned Tribunal to be ₹14,53,718/-. The learned Tribunal has awarded ₹1,00,000/- towards loss of consortium to the widow, ₹25,000/- towards funeral expenses and ₹1,00,000/- towards loss of love, care and guidance of the minor children. These amounts are strictly in accordance with law laid down by the Hon'ble Apex Court in case ***Rajesh & others Vs. Rajbir Singh & others, 2013(3) RCR (Civil) 170***.

9. Thus, I do not find any illegality in computation of the compensation by the learned Tribunal.

10. Resultantly, present appeal being without any merit, is hereby dismissed.

06.12.2016 **(DARSHAN SINGH)**
sunil yadav **JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No