

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

FAO No.4282 of 2014

Date of decision : 10.08.2016

Smt. Kanchan Rani and another

.....Appellants

Versus

Pipal Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Ashwani Arora, Advocate for appellants.

Mr. N.S. Dandiwal, Advocate for respondents No.1 & 2.

Mr. Paul S. Saini, Advocate for
respondent No.3-Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 08.08.2013 passed by the learned Motor Accidents Claims Tribunal Moga (hereinafter called the “Tribunal”), vide which the appellants-claimants have been awarded compensation to the tune of ₹ 4,54,960/- on account of death of Vikramjeet Kumar alias Vicki in the motor vehicular accident which took place on 09.12.2010

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

3. Learned counsel for the appellants contended that learned

Tribunal has determined the income of the deceased only ₹ 3000/- per month. Learned counsel for the appellants contended that even the minimum wages of an unskilled labourer in Punjab at that time was ₹ 4260/- per month. He further contended that no future prospects have been awarded to the income of the deceased. No amount on account of loss of love and affection has been awarded to the claimants. The funeral expenses have also been awarded less.

4. On the other hand, learned counsel for the respondents contended that the learned Tribunal has awarded adequate compensation. The future prospects are not admissible to the deceased as he was not holding any permanent job. The compensation has been adequately awarded under the other conventional heads. Thus, he contended that there is no scope of any further enhancement in the amount of compensation.

5. I have duly considered the aforesaid contentions.

6. As per the case of the appellants-claimants, the deceased was running a mobile shop under the name and style of Ashu Telecommunication at Zira and was earning ₹ 15,000/- per month. But the claimants could not produce any documentary evidence to support their plea. So, the learned Tribunal has taken the income of the deceased to be ₹ 3000/- per month treating him to be a labourer.

7. Learned counsel for respondents could not dispute the plea raised by learned counsel for the appellants that even the minimum wages of an unskilled labourer at that time were ₹ 4260/- per month. So, the income

of the deceased is taken to be ₹ 4260/- per month. The learned Tribunal has not added the prospects to the income of the deceased. It is a fact of common knowledge that the income of every individual increases with the passage of time. That is why even the minimum wages are revised periodically by the government. So, the future prospects should have been added to the income of the deceased. The deceased was 20 years of age at the time of the accident. So, 50% of his income shall be added towards future prospects. The total income comes to ₹ 6390/- per month *i.e.* ₹ 76,680/- per annum. The deceased was bachelor and claimants are his parents. So, 50% of his income is to be deducted towards his living and personal expenses. The remainder comes to ₹ 38,340/-. Keeping in view the age of the deceased, the multiplier of 18 shall be applicable. Thus, the loss of dependency comes to ₹ 6,90,120/-.

8. In addition to the aforesaid amount, the claimants shall be entitled to ₹1,00,000/- towards loss of love and affection of their son and ₹ 25,000/- towards funeral expenses. Total amount of compensation payable to the claimants comes to ₹ 8,15,120/-

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 ₹ 8,15,120/- from ₹ 4,54,960/- as awarded by the Tribunal. The appellants-claimants shall also be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to

pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

10.08.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

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