

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 4204 of 2016 (O&M)
Date of Decision : 26.07.2016

Reliance General Insurance Co. Ltd.Appellant

Versus

Vidya Devi and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjeev Kodan, Advocate
for the appellant.

Surinder Gupta, J.

This is appeal against award dated 17.05.2016 passed by Motor Accident Claims Tribunal, Kurukshetra (later referred to as ‘the Tribunal’) awarding compensation of ₹9,76,410/- for death of Mohan Lal in a motor vehicle accident with car bearing registration no. HR-21-G-3637 (later referred to as ‘the offending vehicle’) due to rash and negligent driving of Samunder Singh (since deceased).

2. The Tribunal calculated compensation awarded to claimants as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Mohan Lal
(ii)	Age of the deceased	55 years
(iii)	Annual income of the deceased (in the absence of evidence that the deceased was earning ₹10000/-, his income as ₹6600/- per month was assessed by Tribunal, being minimum wages prescribed by Haryana Government.)	₹6600x12= ₹79200 per annum
(iv)	15% of (iii) above was allowed towards future prospects	₹79200+₹11880= ₹91080
(v)	1/4 th of (iv) deducted as personal expenses of the deceased	₹91080-₹22770= ₹68310
(vi)	Amount of dependency after applying the multiplier of 11	(₹68310X11) = ₹751410

(vii)	Loss of consortium	₹100000
(viii)	Loss of love and affection care and guidance for children	₹100000
(ix)	Funeral expenses	₹25000
<i>Total</i>		₹976410

3. Learned counsel for the appellant has argued that the Tribunal has assessed income of the deceased as ₹6600/- per month without there being any evidence. Claimants have alleged that the deceased was a labourer and was earning ₹10,000/- per month but no evidence was produced on record regarding income of the deceased. The Tribunal has also allowed addition of 15% in income of the deceased towards future prospects in view of observations of Apex Court in **Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54**. This matter is still pending before Apex Court in case **National Insurance Company Limited vs. Pushpa and others, Appeal (C) No.8058 of 2014 decided on 02.07.2014 (MANU/SC/1246/2014)** for consideration by larger Bench as to whether addition towards future prospects can be allowed, as such, the Tribunal has committed error while allowing addition in income of the deceased towards future prospects.

4. Perusal of award shows that the Tribunal discarded the plea of claimants that the deceased was having income of ₹10,000/- per month. He was taken as unskilled labourer and his income was assessed as ₹6600/- per month by relying on the minimum wages fixed for unskilled labourers by Haryana Government. Learned counsel for the appellant has argued that as per notification issued by Government of Haryana, minimum wages of unskilled worker were ₹5547/- and not ₹6600/-, as such, assessment of income of the deceased as ₹6600/- is not in accordance with minimum wages prescribed by Government of Haryana.

5. While appreciating submissions of learned counsel for the appellant, it is to be kept in mind that we are living in the age of high inflation. It is a matter of common knowledge that now a days even a daily wage labourer is getting

minimum wages of more than ₹300/- per day. Though, Haryana Government has prescribed minimum wages of unskilled worker w.e.f. 01.01.2014 as ₹5547/-, the same are revised half yearly. The above salary is prescribed for unskilled worker (helper). Salary of class-IV employee prescribed by Deputy Commissioner(s) in the State of Haryana for the year 2014 was around ₹9000/-. In case **FAO No. 2565 of 2016**, this Court on the basis of DC rates prescribed by Deputy Commissioner, Kurukshetra for Class-IV employees for the year 2015 has approved the assessment of ₹10,200/- as monthly salary of the deceased, who was taken as unskilled worker. In view of above facts, the Tribunal has committed no error while assessing income of the deceased in the year 2014 as ₹6600/- per month treating him as daily wager.

6. The matter regarding addition in income of the deceased towards future prospects has already been dealt with by this Court in **FAO No. 2032 of 2014 decided on 06.04.2016**, **FAO No. 3966 of 2006 decided on 13.05.2016** and **FAO No. 6595 of 2011, decided on 27.05.2016** and it has been observed that same can be allowed to claimants. We are living in the age having inflationary trends and the money is losing its value day by day. The prices of goods of daily need have arisen manifold during the past two decades. Even otherwise, when every person is trying to rise high life, the deceased could not be an exception.

7. As a sequel of my discussion above, compensation awarded by the Tribunal is not on higher side and calls for no interference in this appeal, which has no merit.

Dismissed.

July 26, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No