IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6966 of 2014 (O&M)
Decided on: 11.08.2016

Reliance General Insurance Company Limited
....Appellant

Versus

Sumitra Devi and others
....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Subhash Goyal, Advocate
with Mr. Nitin Mittal, Advocate
for the appellant.

Mr. Sushil Sheoran, Advocate
for Mr. R.A. Sheoran, Advocate
for respondents No.1 and 2.

Mr. Dhruv Gupta, Advocate
for respondents No.3 and 4.

REKHA MITTAL, J.

The present appeal has been directed against the award dated 02.05.2014 passed by the Motor Accident Claims Tribunal, Hisar (in short 'the Tribunal') whereby compensation has been awarded in favour of Sumitra Devi and another in regard to death of Mamta in a motor vehicular accident that occurred on 04.12.2012.

Mamta, a young girl aged about 17 years' and a student of 5th semester of Finance Accounting and Auditing Diploma in Government Polytechnic, Hisar met an unfortunate termination of her life. The parents of the deceased filed the claim petition for compensation. The learned Tribunal assessed income of the deceased at Rs.6,000/- per month, adopted multiplier of 18, deducted 50% for personal expenses, allowed benefit of increase in income for future prospects to the extent of 50% and computed loss of dependency to the tune of Rs.9,72,000/-. Another amount of Rs.1,25,000/- was awarded under conventional heads i.e. loss of love and affection, transportation, funeral expenses, etc. making total compensation to the tune of Rs.10,98,900/-

Counsel for the insurance company has challenged the award on three counts. The Tribunal has wrongly assessed income of the deceased at Rs.6,000/- per month. The multiplier should have been allowed by taking into consideration age of the parents and benefit of increase in income for future prospects should not have been allowed.

Counsel for the respondents/claimants has supported the award passed by the Tribunal.

I have heard counsel for the parties, perused the paperbook and the records.

Counsel for the appellant has not disputed that the deceased was doing a diploma in technical qualification and was a student of 5th semester. The mere fact that the deceased had not started working and was still improving her qualification would not mean that her income is not to be assessed. In view of age of the deceased coupled with her potential to earn after completing her education, I do not find any error in assessment of income by the learned Tribunal or allowing benefit of increase in income for future prospects. The plea of the appellant with regard to multiplier cannot be accepted in view of judgment of Hon'ble the Apex Court ***"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another",*** **2009(3) R.C.R. (Civil)**

77, affirmed in ***“Reshma Kumari and others vs Madan Mohan and another”,*** **2013(2) RCR (Civil) 660**. The Hon'ble Apex Court in ***Sarla Verma's case (supra)*** while dealing with the question of deduction for personal expenses has specifically adverted to the deduction to be allowed in case the deceased happens to be an unmarried person. As the Court has allowed multiplier of 18, if the deceased is in the age bracket of 16 to 25 years, I find myself unable to agree with the submissions of counsel for the appellant that the admissible multiplier should not have been according to age of deceased or the same should be as per age of the parents. In this view of the matter, I do not find any error in assessment made by the learned Tribunal *qua* loss of dependency.

No other point has been raised.

In view of what has been discussed hereinabove, finding no merit, the appeal fails and is accordingly dismissed.

11.08.2016 **(REKHA MITTAL)**
yakub **JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No