

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

-.-

FAO 7714 of 2015

Date of decision: 09.12.2016

Anju Verma and another

.....Appellants

Versus

Hoshiyar Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Ms Deepa Jain, Advocate
for the appellants

Mr. Ravinder Arora, Advocate
for Insurance Company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of their son Gaurav Verma in a motor vehicular accident that took place on 02.08.2014.

The Tribunal assessed income of the deceased at Rs.6,000.00 per month, deducted 50% for personal expenses and applied a multiplier of 15 to compute loss of dependency at Rs.5,40,000.00. However, no compensation has been awarded under conventional heads.

Counsel for the appellants has submitted that the deceased was working with Balaji Screen Printers, Bhagat Singh Colony, Ballabgarh, Faridabad at a monthly salary of Rs.15,000.00, therefore, income of the deceased is liable to be enhanced. The Tribunal has not allowed benefit of increase in income for future prospects and adopted a multiplier as per age

of the mother in place of age of the deceased. The claimants are entitled to compensation under conventional heads as well.

Counsel for the insurance company, on the contrary, has supported the award and submits that the claimants may be allowed some reasonable amount under conventional heads.

I have heard counsel for the parties and perused the paper book particularly the award passed by the Tribunal.

The parents of Gaurav Verma, an unmarried boy, filed the application for compensation. The claimants examined Jugal Kishore (PW4) to prove that the deceased was working with Balaji Screen Printers, Bhagat Singh Colony, Ballabgarh, Faridabad at a monthly salary of Rs.15,000.00. The Tribunal in para 33 of the award has noticed that in his cross examination, Jugal Kishore had stated that he did not have any documentary proof regarding ownership of the said firm. He did not bring any document as an evidence of attendance or employment of the deceased. In view of the facts noticed by the learned Tribunal, it is difficult to accept plea of the claimants that the deceased was working with Balaji Screen Printers, Bhagat Singh Colony, Ballabgarh, Faridabad much less at a monthly salary of Rs.15,000.00. There is nothing on record suggestive of the fact that the deceased was an educated person. Under the circumstances, the Tribunal has rightly relied upon minimum wage fixed by the State of Haryana for assessing income of the deceased. However, the claimants shall be entitled to increase in income for future prospects to the extent of 50%. As the deceased was less than 25 years old, admissible multiplier would be 18 in place of 15 in view of age of the deceased. In this context,

reference can be made to judgments of Hon'ble the Supreme Court *Sarla Verma v. Delhi Transport Corporation, (2009) 6 SCC 121, Reshma Kumari v. Madan Mohan, (2013) 9 SCC 65 and Munna Lal Jain Vs. Vipin Kumar Sharma, 2015 (6) Scale 522.*

In view of the above, loss of dependency is calculated at Rs.9,000.00x12x18 – Rs.9,72,000.00= **Rs.9,72,000.00**. Under conventional heads, a sum of Rs.50,000.00 for loss of love and affection to the mother and Rs.25,000.00 each for expenses on funeral and loss of estate is awarded. The total compensation comes to **Rs.10,72,000.00** and enhanced compensation is Rs.5,32,000.00, payable with interest at the rate of 7.5% per annum from the date of petition till realization exclusively to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

09.12.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No