IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.8161 of 2015
Date of decision : 02.03.2016

Rani Kaur and another

......Appellants

Versus

Nirdosh Kumar Goyal and other

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

1. *Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
2. *To be referred to the Reporters or not ? Yes*
3. *Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Vivek Suri, Advocate for appellants.

Ms. Vandana Malhotra, Advocate with
Ms. Monika Jangra, Advocate for respondent No.3-
Insurance Company.

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DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 01.10.2015, passed by learned Motor Vehicles Claims Tribunal, Patiala (hereinafter called the 'Tribunal'), vide which they have been awarded compensation to the tune of Rs.13,05,000/- on account of death of Lakhwinder Singh in the motor vehicular accident which took place on 27.05.2014.

2. Learned counsel for the appellants-claimants contended

that the learned Tribunal has not awarded any future prospects towards the income of the deceased. He was working as a taxi driver. His income was bound to increase with the passage of time. So, 50% of the income of the deceased should have been added towards the future prospects.

3. On the other hand, learned counsel for the respondent-Insurance Company contended that the deceased was not holding any permanent job. So, the learned Tribunal has not rightly added the future prospects to the income of the deceased.

4. I have duly considered the aforesaid contentions.

5. As per the case of the claimants, the deceased was working as a taxi driver but the learned Tribunal has discarded this plea on the ground that the claimants could not place on file the copy of the driving licence of the deceased. So, the income of the deceased has been taken as a labourer at the rate of Rs.7500/- per month. It is known fact that even the income of a labourer increases with the passage of time. So, certainly there would have been appreciation in the income of the deceased. The plea raised by learned counsel for the respondent-Insurance Company that as the deceased was not holding any permanent job, so the future prospects could not be added to his income, is not sustainable in view of the ratio of law laid down by Hon'ble Apex Court in case ***Munna Lal Jain and another Vs. Vipin Kumar Sharma and others 2015(3) PLR 304***, wherein the Hon'ble Apex Court has laid down that future prospects are required to be added to the income of even a self-employed person. The deceased was 22 years of age. So, 50% of his income is required to be added towards the future prospects. The total

income comes to Rs.11,250/- (7500 + 3750). 1/3rd of the income of the deceased is to be deducted towards his personal and living expenses. The remainder comes to Rs.7500/- i.e. Rs.90,000/- per annum. In view of the age of the deceased, the multiplier of 18 shall be applicable. The total loss of dependency comes to Rs.16,20,000/-. The learned Tribunal has awarded Rs.10,80,000/- towards loss of dependency, which is enhanced to Rs.16,20,000/-.

6. The compensation awarded by the learned Tribunal under other conventional heads has been correctly awarded. So, the total amount of compensation comes to Rs.18,45,000/- [16,20,000 + 25,000 (funeral expenses) + 1,00,000 (loss of love & affection to mother) + 1,00,000 (loss of consortium to widow)]. The claimants shall be entitled to interest @ 7.5 % per annum from the date of filing the petition till realization on the enhanced amount of compensation. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

02.03.2016 **(DARSHAN SINGH)**
sunil yadav **JUDGE**