

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

**XOBJC No.253-CII of 2016 in/and
FAO No.1382 of 1994 (O&M)**

Date of Decision: 10.11.2017

State of Haryana and another

...appellants

versus

Nirmala Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present : Mr. Ripu Daman, DAG, Haryana.

Mr. N.S. Panwar, Advocate
for the cross objectors/claimants/respondents No.1 and 2.

RAJIV NARAIN RAINA, J.(ORAL)

1. The victim of the road accident, Naveen Kumar was 17 years old at the time of death. He was a student. The Motor Accident Claims Tribunal at Sonapat has awarded a paltry lump sum compensation of Rs.60,000/- to the claimants arising from the death of their son in an unfortunate road accident, which fell on 24th July, 1992.

2. It is urged on behalf of the respondent/claimants being the mother and father of the deceased that the minimum monthly wages for the daily wager in the year 1992 was Rs.1222/- per month. The dependency deduction as per Sarla Verma Vs. Delhi Transport Corporation, AIR 2009 SC 3104 is Rs.611/- per month (50%). The multiplier applicable is 18. Accordingly, compensation works out to Rs.1,31,976/- (611 x 12 x 18).

3. In view of latest judgment of the Supreme Court delivered in

SLP (Civil) No.25590 of 2014 titled 'National Insurance Company Ltd. Vs. Pranay Sethi & others' on 31.10.2017, the future prospectus would be by applying 40% amounting to Rs.52,790/-. The compensation towards funeral expenses and loss of estate when calculated comes to Rs.30,000/-. Thus, total compensation when worked out in this fashion comes to Rs.1,31,976/- + Rs.52,790/- + Rs.15,000/- + Rs.15000/- = Rs.2,14,766/-. From this amount, Rs.60,000/- has to be deducted. The remainder comes to Rs.1,54,766/-, which will carry interest at the rate of 12% as has been applied by the Tribunal from the date of claim petition, i.e. on 21.10.1992 till realization. The claimants are also entitled to litigation costs assessed at Rs.22,000/- which must have been incurred by the claimants over the years before the Tribunal and in this Court since the early 90's. The total amount due and payable is therefore Rs.1,54,766/- + Rs.22,000/- = Rs.1,76,766/-.

4. In view of the above, the appeal filed by the State of Haryana is dismissed and the cross objections of the claimants are partly allowed. The appellant State shall deposit Rs.22,000/- without interest and Rs.1,54,766/- + interest calculated at the rate of 12% from the period aforesaid and deposit the sum in the Tribunal/Executing Court within two months from the date of receipt of a certified copy of this order. On deposit, the Tribunal would disburse the amount to the claimants after due verification without delay.

(RAJIV NARAIN RAINA)
JUDGE

10.11.2017
Neha

Whether speaking/reasoned : Yes
Whether reportable : No