

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

FAO No. 4115 of 2001 (O&M)

Date of decision: 18.12.2017.

Paramjit Kaur and others

...Appellants

versus

M/s Supreme Transport Co.

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present : Mr. Hardip Singh, Advocate
for the appellants.

Mr. Ashwani Talwar, Advocate and
Mr. Lalit Narang, Advocate
for the respondent-Insurance Company.

RAJIV NARAIN RAINA, J. (ORAL)

Deceased-Sadhu Singh while driving his truck bearing registration No.PB-11-C-2877 from Jaipur to Delhi met with an accident and succumbed to his injuries. His body was carried to his Village Ropar (Punjab) for cremation. He was 35 years old at the time of death in a road accident on 25.11.1996.

The claim petition was brought by his father aged 70 years, his widow, three minor sons and his daughter. The Tribunal assessed the income at per minimum wages of Rs. 2,500/- per month for skilled labour. The Tribunal made a deduction of 1/3rd from the income towards dependency and applied the multiplier of 15 while it should have been 16. The compensation towards future prospects has not been awarded.

Given the numbers of dependants left behind, the dependency should have suffered a cut of $\frac{1}{4}^{\text{th}}$ (Rs. 2,500/- Rs. 625/- = Rs. 1,875/- and thus the figure comes to (Rs. 1,875/- x 12 x 16 = Rs. 3,60,000/-)

Accepting the income @ Rs. 2,500/- per month as proper assessment, the future prospects have to be worked out @ 40% being case of self-employed person in view of judgment in *National Insurance Company Limited Vs. Pranay Sethi and others*, decided on 31.10.2017, making a total compensation package of Rs. 5,04,000/-. The claimants would also be entitled to loss of estate @ Rs. 15,000/- and expenses of transport & funeral expenses all maintained at Rs. 20,000/-, since the body was carried from Jaipur (Rajasthan). Loss of consortium @ Rs. 40,000/- also has to be awarded. However, amount awarded for loss of love and affection has to be deleted in view of Pranay Sethi's case (supra) and declaration that ruling in *Rajesh Vs. Rajbir* is no longer a good law.

Thus the total compensation to which claimants are entitled is Rs. 5,79,000/- rounded to Rs.5,80,000/-. As a sequel against Rs.3,42,000/- awarded by the Tribunal just compensation payable to the claimants will be Rs. 5,80,000/- by increasing amount by Rs.2,38,000/-

As a sequel, the appeal is partially allowed. The impugned award is modified as per this order. The amount of Rs. 5.80 lakh will be deposited before the MACT/Executing Court within six weeks from date of receipt of certified copy of this order after deducting the amount

already deposited by the Insurance Company. Interest on compensation will bear at 9% per annum from the date of the petition till payment.

(RAJIV NARAIN RAINA)
JUDGE

18.12.2017

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Whether speaking/reasoned : Yes
Whether reportable : No