

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 4509 of 2005

Date of Decision: December 15, 2017

Suman Devi and others

.....Appellants

versus

Satbir and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Ms. Madhulika, Advocate for
Mr. S.N. Yadav, Advocate
for the appellants

Mr. Vipul Sharma, Advocate for
Mr. Ravinder Arora, Advocate
for the respondents

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Sudhir Mittal, J. (Oral)

The claimants are in appeal against award dated 15.03.2005 passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'the Tribunal').

2. The accident took place on 06.09.2003 resulting in the death of Rishi Kumar-husband/father of the claimants. He was riding a scooter and was going from his village towards Rewari, when he was hit by a Mahindra Pick-up near Banipur Chowk. As a result of this accident, Rishi Kumar died on way to the hospital.

3. The deceased was working as a gold smith and he was giving ₹ 6,000/- per month to his wife as per her statement as PW-1, which has been corroborated by PW-5, PW-6 and PW-7. However, learned Tribunal assessed the income to be ₹ 3,000/- per moth and this finding is not being assailed by learned counsel for the appellants. Her submission only is that future prospects have not been granted

and compensation granted on account of loss of consortium and funeral expenses is inadequate. The age of the deceased was 35 years and is not in dispute before me. Based upon his age, a multiplier of '16' is applicable. Keeping in view the above the compensation is assessed as follows :-

Annual income	₹ 3000 x 12 = ₹ 36,000/-
Increase of 40% in income on account of future prospects (₹ 36000 + ₹ 14400)	₹ 50,400/-
Deduction of 1/3 rd on account of personal expenses (₹ 50400 - ₹ 16800)	₹ 33,600/-
Annual dependency applying multiplier of 16 as deceased was 35 years of age (₹ 33,600 x 16)	₹ 5,37,600/-
Loss of consortium	₹ 40,000/-
Loss of Estate	₹ 15,000/-
Funeral expenses	₹ 15,000/-
Total	₹ 6,07,600/-

4. The appeal is, accordingly, allowed. The enhanced compensation will be paid by Respondent No. 3 – Insurance Company, within a period of three months, from the date of receipt of a certified copy of this judgment alongwith interest @ 7.5 % per annum, from the date of filing of claim petition, till the date of payment.

December 15, 2017
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No