IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2630 of 2012 (O&M)
Date of decision: 20.11.2017

Sonia and others

...Appellant(s)

Versus

Vijay Kumar and others

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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

Mr. P.K. Longia, Advocate Sr. Panel Counsel
for respondents No.1 to 3.

ANITA CHAUDHRY, J.

This is the claimants appeal seeking enhancement of the award dated 06.04.2010.

Virender Kumar was 35 years old when he met with an accident on 21.01.2010. The claimants could not lead evidence with respect to his income, therefore, the Tribunal had taken the income to be Rs.4,000/- which a labourer could earn. It made a deduction of 1/4th and applied the multiplier of 15 to calculate the compensation. It also allowed Rs.5,000/- for loss of estate and Rs.5,000/- for last rites and Rs.10,000/- for loss of consortium. A claim of Rs.5,60,000/- was allowed which was apportioned amongst the claimants and for respondent, the mother of the deceased. The present appeal has been filed by the claimants. The vehicle was not insured and the insurance company shown at Serial No.4 in the title had been ordered to be deleted on 05.09.2014.

The submission on behalf of the appellant is that after the decision in '***National Insurance Company Ltd. Vs. Pranay Sethi and others (SLP (Civil) No.25590 of 2014)',*** the issue regarding addition of future prospects has been finally determined and considering the age of the deceased, an addition of 40% be made and the amount on the conventional heads be increased accordingly.

The claimants had failed to prove the income of the deceased, therefore, the Tribunal had rightly taken the income at Rs.4,000/-. In view of ***Pranay Sethi's*** case, I would make an addition of 40% as the minimum wages are being taken for the purpose of calculation. After an addition, the income would be Rs.5600/-. Making a deduction of 1/4^{th,} the compensation would come to Rs.4200x12x15=Rs.7,56,000/-. To this a sum of Rs.15,000/- should be added for funeral expenses, Rs.15,000/- for loss of estate and Rs.40,000/- for loss of consortium, which raises the total to Rs.8,26,000/-.

The Tribunal had allowed Rs.5,60,000/- which would be deducted and the remaining amount would be payable with interest @6% from the date of filing of appeal.

The appeal is partly allowed.

November 20, 2017 **(ANITA CHAUDHRY)**
ps-I **JUDGE**

Whether Reasoned/Speaking **Yes/No**
Whether Reportable **Yes/No**