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In the High Court of Punjab and Haryana at Chandigarh

Date of Decision:28.7.2017

FAO No. 6910 of 2011(O&M)

Dhani Ram

---Appellant

vs.

Manoj Kumar and others

---Respondents

FAO No. 6911 of 2011(O&M)

Dhani Ram

---Appellant

vs.

Manoj Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

***

Present: Mr. R.S.Mamli, Advocate
for the appellant(s) in both the appeals

Mr. V.K.Garg, Advocate
for the insurance company

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Rekha Mittal, J.

This order will dispose of FAO No. 6910 and 6911 of 2011 as these have emerged out of the same award dated 28.7.2010 passed by the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhari (hereinafter to be referred to as "the Tribunal").

FAO No. 6910 of 2011

The learned Tribunal awarded an amount of Rs. 2,85,000/- for death of Sunil Kumar in a motor vehicular accident that took place on

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8.8.2007. To compute loss of dependency, the Tribunal assessed income of the deceased at Rs. 36,000/- per annum, deducted 50% towards personal and living expenses and adopted a multiplier of 15. In addition, an amount of Rs. 15,000/- has been awarded for expenses on funeral.

Counsel for the appellant has submitted that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 50% as the deceased was 20 years old. The admissible multiplier is 18, in the light of judgments of Hon'ble the Supreme Court of India **Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298** and **Muna Lal Jain vs. Vipin Kumar Sharma 2015(3) RCR (Civil) 447**. The appellant has not been compensated for loss of love and affection.

Counsel representing the insurance company would urge that as the matter with regard to grant of future prospects is pending consideration before a Larger Bench of Hon'ble the Supreme Court of India in view of reference made in ***National Insurance Co. Limited vs. Pushpa and others,*** benefit of future prospects cannot be allowed. It is further submitted that the Tribunal has rightly applied multiplier of 15 in view of age of father of the deceased, the only claimant in the case.

I have heard counsel for the parties, perused the paper book and the records.

The mere fact that a reference is pending before a Larger Bench of Hon'ble the Supreme Court of India is not sufficient to deny benefit of increase in income for future prospects untill the judgment of Hon'ble the Supreme Court ***Rajesh and others vs. Rajbir Singh and others***

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2013(3) RCR(Civil) 170 is varied or set aside.

So far as question of multiplier, in view of judgments of Hon'ble the Supreme Court **Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298** and **Munna Lal Jain's case (supra),** appropriate multiplier would be 18 as the deceased was 20 years old. After extending benefit of future prospects and adopting a multiplier of 18 and deduction to the extent of 50%, loss of dependency comes to Rs. 2250 x 12x18= **Rs. 4,86,000/-.**

The claimant is awarded an amount of **Rs. 25,000/-** for expenses on funeral and **Rs. 30,000/-** for loss of love and affection. The total compensation comes to **Rs. 5,41,000/-** and the additional amount is **Rs.2,56,000/-**. The additional amount shall carry interest at the rate of 7.5% from the date of petition till realization.

Appeal stands disposed of in the aforesaid terms.

FAO-6911 of 2011

I have gone through the award passed by the Tribunal allowing compensation to the tune of Rs. 7,000/- with regard to injuries sustained by Dhani Ram but find no justification to intervene in the assessment made by the Tribunal.

Accordingly, the appeal fails and is dismissed.

(Rekha Mittal)
Judge

28.7.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No