

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1396 of 2015 (O&M)
Date of decision: 21.09.2017

United India Insurance Company Ltd. ...Appellant

Versus

Smt. Hamidi and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. D.R. Bansal, Advocate for the appellant.

Mr. Ashish Gupta, Advocate for respondents No.1 and 2.

REKHA MITTAL, J. (Oral)

The United India Insurance Co. Ltd. (hereinafter to be referred as 'the Insurance Company') has assailed the award dated 26.11.2014 passed by the Motor Accidents Claims Tribunal, Gurugram whereby compensation has been awarded in regard to death of Wasim in a motor vehicular accident that took place on 29.04.2014.

The Tribunal awarded compensation to the tune of Rs.10,43,000/- detailed hereunder:-

1	Compensation (Rs.6000 + 50% of 6000 = Rs.9000 – less ½ towards personal expenses = (9000-4500 = 4500) 4500 x 12 x 17 = Rs.9,18,000/-	9,18,000
2	Funeral expenses	25000
3	Medical expenses	Nil
4	Love and affection	1,00,000
	Total	10,43,000

Counsel for the insurance company has assailed quantum of compensation primarily on two counts. The first submission made by counsel is that the Tribunal has allowed benefit of increase in income for future prospects to the extent of 50% as well as interest on the amount of future prospects despite the fact that a reference is pending consideration before a larger bench of Hon'ble the Supreme Court in view of reference made in **National Insurance Company Ltd. Vs. Pushpa**, (SLP (c) No.16735 of 2014, decided on 02.07.2014). The second submission made by counsel is that the Tribunal has applied multiplier of 17 as per age of the deceased in place of appropriate multiplier on the basis of age of parents of the deceased.

Counsel representing the claimants, on the contrary, has supported computation of assessment by the Tribunal with the submission that pendency of reference before a larger bench is not sufficient to deny benefit of future prospects as well as interest thereon. The Tribunal has rightly applied multiplier as per age of the deceased in the light of enunciation laid down in **Sarla Verma & Ors Vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77** and **Munna Lal Jain and anr. Vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315**.

I have heard counsel for the parties, perused the paper book, particularly the award dated 26.11.2014.

The deceased was 28 years old at the time of his unfortunate demise, sending a shock to the parents/claimants. The Tribunal has assessed

his income at Rs.6000/- per month. There is nothing on record suggestive of the fact that the deceased had any disability to impair his capacity to work and earn livelihood for himself and for his family. It is difficult to accept that the deceased would have stagnated at income of Rs.6000/- per month had he remained alive. I stand fortified in my observations from the fact that State Governments revise minimum wages at short intervals i.e. quarterly or biannually. Under the circumstances, the mere fact that a reference is pending before a larger bench of Hon'ble the Supreme Court is not sufficient to deny benefit of future prospects and interest thereon till the judgment passed in **Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54**, is varied or set aside.

The plea of the appellant with regard to multiplier adopted by the Tribunal on the basis of age of the deceased is misconceived and liable to be rejected. The Tribunal has applied multiplier of 17 by relying upon judgments of Hon'ble the Supreme Court **Amrit Bhanu Shali and others Vs. National Insurance Co. Ltd. and others, 2012 ACJ 2002** and **Sarla Verma's case (supra)**. When the present case is examined in the light aforesaid judgments as well as Munna Lal's case (supra), findings of the Tribunal applying a multiplier of 17 on the basis of age of the deceased cannot be faulted with.

No other point has been raised.

For the foregoing reasons, the appeal fails and is dismissed.

No order as to costs.

Statutory amount of Rs.25,000/- be remitted to the Tribunal for payment to the claimants.

21.09.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No