In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 2522 of 2014
Date of Decision: 14.12.2017

Pushpa Rani others ......Appellants

Versus

Paramjit Singh and others ....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vivek Suri, Advocate
for the appellants.

Mr. R.C.Kapoor, Advocate
for the insurance company.

****

ANITA CHAUDHRY, J

This is the claimants' appeal seeking enhancement in the award passed by the Motor Accidents Claim Tribunal, Patiala.

Deceased Pritpal Singh was an Assistant Lineman in Punjab State Power Corporation Limited and was getting a salary of Rs. 34,705/- per month. He had left behind his widow and two major sons aged 28 years and 26 years. The Tribunal deducted a sum of Rs. 2500/- which was the GPF advance and income tax of Rs. 4990/- and the monthly income was taken as Rs. 26,000/- and the dependency per month was taken as Rs. 17,000/- and multiplier of 11 was applied. A claim of Rs. 23,69,000/- was passed which included Rs. 1,00,000/- for loss of consortium and Rs., 25,000/- for funeral expenses.

The counsel for the appellants refers to the salary certificate and urges that the deduction had been wrongly made and only the GPF advance and income tax could be deducted and the amount of Rs. 26,000/- has been wrongly calculated. The counsel further submits that there should be an addition of 15% towards future prospects since the deceased was 52 years old.

The submission on the other hand is that a higher amount has already been awarded and even if income tax and GPF advance is deducted and the calculations are made taking the income to be Rs. 27,215/- and an addition of 15% is given, even then a higher amount has been allowed and the amount should be reduced as wrong multiplier has been applied and two major sons could not be dependent and the dependent was only the widow and deduction would be half.

If the salary of the deceased is taken as Rs. 27,215/- per month after deducting Rs. 7490/- on account of income tax and GPF advance and an addition of 15% is given, the income would come to Rs. 31,297/-. The deduction would be 50% as the widow was the only dependent and if the calculations are made by applying the multiplier of 11 and an addition of 70,000/- is made on miscellaneous heads as per ***Pranay Sethi's*** case then the amount would be a little over Rs. 21,00,000/-. The appellants have already got a higher amount. No case for enhancement is made out. The respondent-insurance company has not filed any appeal or cross-objections. Therefore, I am not inclined to reduce the amount.

The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

December 14, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No