IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6367 of 2013
Date of Decision.15.11.2017

Sushila Devi alias Raj Rani and others ....Appellants

Vs

Amrik Singh and others ....Respondents

Present: Mr. Pankaj Katia, Advocate
for the appellants.

Mr. Sanjeev Goyal, Advocate
for respondent No.3.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The appellants are legal representatives of deceased-Hirdey Ram, who unfortunately died in a motor vehicular accident that took place on 15.01.2012. When he was standing near lane No.4 of Toll Plaza, Kurali while performing his duties as Lane Assistant, a bus of Ambala Bus Synidcate Company bearing registration No.PB-12L-6172 driven rashly and negligently by respondent No.1 hit against the deceased. As a result of impact, he received multiple grievous injuries and was taken to Civil Hospital, Kurali but due to his serious medical condition, he was referred to GMCH, Sector 32, Chandigarh and then PGI, Chandigarh where he succumbed to injuries on 16.01.2012. He was aged 32 years and stated to be earning ₹5073/- per month.

The Tribunal while assessing the compensation of ₹7,50,000/-, took the income of the deceased as ₹5073/- per month, applied a deduction of 1/4th towards personal expenses as he left behind family consisting of six members and adopted a multiplier of 16 suitable to the age of the deceased.

The aforementioned amount also included ₹10,000/- for loss of consortium and ₹10,000/- for funeral expenses.

Learned counsel for the appellants submits that the Tribunal grossly erred in not providing the future prospects even in case of self employed or fixed wages as per the ratio decidendi culled out by Hon'ble Supreme Court in ***National Insurance Company Limited vs. Pranay Sethi and Ors***. in SLP (Civil) No.25590 of 2014 decided on 31.10.2017. The deceased was 32 years old, therefore, the Tribunal ought to have provided 40% increase in salary as future prospects. Moreover, it provided a meagre sum of ₹10,000/- for loss of consortium and ₹10,000/- for funeral expenses, thus, urges this Court for enhancement of compensation.

Per contra, learned counsel appearing on behalf of the insurance company submits that the Tribunal has taken care of all the heads of claim sufficiently and there is no further scope for enhancement, thus, urges this Court for dismissal of the appeal.

I have heard learned counsel for the parties and appraised the paper book. As per the ratio decidendi culled out by Hon'ble Supreme Court in ***Pranay Sethi's case*** (supra), the claimants are entitled for 40% increase in the salary of the deceased as future prospects. Therefore, I will take the income of the deceased as ₹5073/- per month, apply an increase of 40% on the same as future prospects, make a deduction of 1/4th towards personal expenses and adopt a multiplier of 16 to assess the loss of dependency as ₹10,22,717/-. I will also add to it ₹15,000/- towards loss of estate, ₹15,000/- for funeral expenses and ₹40,000/ for loss of consortium.

In all, the compensation payable shall be ₹10,92,717/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @6% from the date of filing of the appeal till its realization. The enhanced amount shall be distributed amongst the claimants in the ratio of 2:2:2:2:1:1. The liability shall remain the same as has already been determined by the Tribunal.

The award stands modified to the above extent and the appeal stands allowed.

(AMIT RAWAL)
JUDGE

November 15, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No