In the High Court of Punjab and Haryana at Chandigarh

FAO- 4559 of 2015
Date of Decision: 6.10.2017

Sureshta Kumari and another

---Appellants

versus

Ali Mohammad and others

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. D.K.Gupta, Advocate
for the appellants

Mr. Punit Jain, Advocate,
for the insurance company

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Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation in regard to death of Sumit Singh in a motor vehicular accident that took place on 15.10.2013. The Motor Accidents Claims Tribunal, Pathankot (in short "the Tribunal") awarded compensation to the tune of Rs. 7,91,000/-, detailed hereunder:-

1	Monthly loss of dependency	Rs. 6200/-
2	Deduction for personal expenses	½
3	Multiplier	18
4	Loss of dependency	3100 x 12 x 18= Rs. 6,66,000/- per annum (Calculated wrongly)
5	Loss of love and affection	Rs. 1,00,000/-
6	Expenses for funeral	Rs. 25,000/-

The sole submission made by counsel for the appellants is that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 50% in the light of judgment of Hon'ble the Supreme Court of India **Rajesh and others vs. Rajbir Singh and others 2013(3) RCR (Civil) 170.**

Counsel representing the insurance company, on the other hand, would state that the matter with regard to grant of future prospects is pending consideration before a Larger Bench of Hon'ble the Supreme Court of India, therefore, claimants are not entitled to seek benefit of future prospects. In addition, it is argued that a Bench has been constituted for hearing the matter and the same is likely to be decided shortly. Another submission made by counsel is that the Tribunal has adopted multiplier of 18 on the basis of age of the deceased in place of an appropriate multiplier on the basis of age of parents of the deceased.

I have heard counsel for the parties and perused the paper book particularly the award dated 6.10.2014.

Sumit Singh son of unfortunate parents Sureshta Kumari and Darshan Singh met with a sudden death in a motor vehicular accident on 15.10.2013. He was 20 years old at that time. The claimants examined Charanjit Singh PW-3, Senior Pay Officer, Chenab Textile Mills, Kathua to prove that deceased was working as an Electrician with the aforesaid mill at a salary of Rs. 6232.75 paise per month. There is nothing on record suggestive of the fact that he had any disability to impair his capacity to work and earn livelihood for himself and his family. It is difficult to accept that the deceased would have stagnated at income of Rs. 6200/- per month had he remained alive. I stand fortified in my observations from the fact that State Governments revise minimum wages at short intervals. Under the circumstances, 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.

The Tribunal has adopted multiplier of 18 to compute loss of dependency. Findings of the Tribunal applying multiplier of 18 on the basis of age of the deceased cannot be faulted with, in the light of enunciation laid down by Hon'ble the Supreme Court in **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298** and **Munna Lal Jain vs. Vipin Kumar Sharma 2015 (3) RCR(Civil) 447**.

In view of the above, after allowing addition in income for future prospects to the extent of 50%, loss of dependency comes to **6200 x 12 x 18 = 13,39,200 + 6,69,600 (50%) = 20,08,800 -10,04,400 (50%)= 10,04,400/-.** The total compensation comes to **Rs. 11,29,400** (10,04,400 = 1,25,000) and the additional amount is **Rs. 3,38,400/-** (Rs. 11,29,400 – 7,91,000). The additional amount is payable with interest at the rate of 7.5% per annum from the date of petition till realization to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

6.10.2017
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No