IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 5851 of 2016 (O&M)
Date of Decision: 21.11.2017

Ranjeet Singh

... Appellant

vs.

Satish Kumar & Ors.

... Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present:- **Mr. Shashikant Gupta, Advocate for the appellant.**

Mr. Lalit Garg, Advocate for respondent No.3.

ANITA CHAUDHRY, J.

This appeal is by the claimant seeking enhancement in the award dated 20.01.2016.

The claimant is the father of Rattan Lal who died in a motor vehicular accident which occurred on 24.07.2014. Rattan Lal was unmarried and was 18 years old. The claimant could not prove the income and it was observed by the Tribunal that the State Government had fixed the wages and his income could be taken as Rs.8100/- per month. Half deduction was made towards personal expenses and multiplier of 18 was applied. It also added Rs.25,000/- towards funeral expenses; Rs.50,000/- for loss of love and affection and Rs.5000/- towards loss of estate and awarded compensation of Rs.9,54,800/-.

The submission on behalf of the appellants is that no addition towards future prospects has been made and that addition be given and the amount as awarded on the conventional heads be granted as per the decision of the Larger Bench of Hon'ble Apex Court in **National Insurance Company Vs. Pranay Sethi,** SLP(Civil) No. 25590 of 2014, decided on 31.10.2017.

Counsel for the insurance company had submitted that the Tribunal has already taken the higher income and the minimum wages at that point of time were not more than Rs.6000/- and even if the addition is made, even then they have got higher amount. It was urged that no amount should have been allowed for love and affection and the multiplier would be considering the age of the parents and not that of deceased and even if the multiplier of 18 is applied, still the claimant has got a higher amount.

The minimum wages in July, 2014 were Rs.5639/-. If we make the calculations taking the minimum wages i.e. Rs.6000/- and with an addition of 40% towards future prospects, the total income would come to Rs.8400/- and after deducting 50%, the contribution to the family would be Rs.4200/-. The Apex Court in **Shakti Devi Vs. New India Insurance Co. Ltd. & Anr., 2010(4) RCR(Civil) 950** and **New India Assurance Company Ltd. Vs. Smt. Shanti Pathak & Ors. 2007 AIR (SC) 2649** has held that it is the age of the claimants, which is relevant and not the age of the deceased. Even if we taken the age of the deceased and make the calculations, the compensation would Rs.4200 X 12 X 18 = 9,07,200/-. If an addition of Rs.15000/- is made for loss of estate and Rs.15000/- for funeral expenses, the amount would not exceed the amount which has been allowed by the Tribunal. Since there is no appeal or cross-objections by the insurance company, no change can be made. The appellants are not entitled to any enhancement. The appeal is dismissed.

21.11.2017 **(ANITA CHAUDHRY)**
Jiten **JUDGE**

Whether speaking/ reasoned Yes/ No

Whether reportable Yes/ No