

In the High Court of Punjab and Haryana at Chandigarh

FAO- 5520 of 2017(O&M)

Date of Decision:25.8.2017

IFFCO TOKIO General Insurance Company Limited

---Appellant

vs.

Kelo and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ajay Singla, Advocate
for the appellant

Rekha Mittal, J.

The present appeal directs challenge against award dated 6.3.2017 passed by the Motor Accidents Claims Tribunal, Jind (hereinafter to be referred as “the Tribunal”) whereby compensation has been awarded on account of death of Satish son of Bedu in a motor vehicular accident that took place on 9.2.2015.

The Tribunal has awarded an amount of Rs. 14,16,000/- payable to parents of deceased Satish.

Counsel for the appellant has challenged 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% but the said benefit should not be allowed as the matter in this regard is pending consideration before a Larger Bench of Hon'ble the Supreme Court of India in view of reference made in **National Insurance Company Limited vs. Pushpa**. Another submission made by counsel is that the Tribunal has adopted a multiplier of 18 in view of age of the deceased in place of an appropriate multiplier as per age of parents of the deceased.

I have heard counsel for the appellant, perused the paper book particularly the award.

Satish died at a young age of 19 years. The Tribunal has assessed income of the deceased at Rs. 8,000/- and added 50% for future prospects. There is nothing on record suggestive of the fact that the deceased was suffering from any disability to affect 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. 8,000/-, had he remained alive. It is pertinent to note that the State Governments revise the minimum wages at short intervals, may be, quarterly or half yearly. Under the circumstances, I find myself unable to accept submissions of counsel for the appellant that the Tribunal has erred by allowing benefit of future prospects. Pendency of reference before a Larger Bench of Hon'ble the Apex Court is not sufficient to deny the said benefit till the judgment in **Rajesh and others vs. Rajbir Singh and others 2013(3) RCR (Civil) 170** is varied or set aside.

The plea with regard to applying multiplier of 18 in view of age of the deceased is not meritorious and deserves to be rejected. Hon'ble

the Supreme Court of India in **Smt.Sarla Verma and others vs. Delhi**

Transport Corporation and another 2009 ACJ 1298 has laid down as a

matter of principle the multiplier to be adopted in different age groups.

Taking into consideration the ratio in **Smt. Sarla Verma and others' case**

(supra) and **Munna Lal Jain vs. Vipin Kumar Sharma 2015(3) RCR**

(Civil) 447 findings of the Tribunal allowing multiplier of 18 cannot be

faulted with.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

(Rekha Mittal)
Judge

25.8.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No