

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.1600 of 2003 (O&M)

Date of decision : 20.09.2018

Girdhari Lal and others

...Appellants

Versus

Karan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rishab Lohan, Advocate for
Mr. R.N. Lohan, Advocate for the appellants.

Mr. D.R. Bansal, Advocate for respondent No.3.

ANIL KSHETARPAL, J. (ORAL)

Claimants-appellants are seeking enhancement of the compensation awarded by the Motor Accidents Claims Tribunal, Hisar

A young boy aged about 18 years died in a motor vehicular accident. It was claimed that he was earning ₹2,000/- per month. Even the employer was examined. However, the learned Tribunal disbelieved the aforesaid evidence and assessed the income of the deceased at ₹1800/- per month.

In the considered opinion of this Court, the reasons for disbelieving the statement of the employer, is not sustainable. Hence, the income of the deceased is assessed to be ₹2,000/- per month. Since, the deceased was unmarried, therefore, the deduction on account of own expenses is to the extent of 50%.

As per the judgment passed by the Hon'ble Supreme Court in case of *SLP No.25590 of 2014 titled as National Insurance Company Ltd.*

Vs. Pranay Sethi and others, the appellants shall also be entitled to amount under the following heads:-

- 1. Loss of future income which will be 40%
- 2. Funeral expenses ₹15,000/-
- 3. Loss of love and affection ₹15,000/-
- 4. Loss of estate ₹15,000/-

Hence, the compensation is re-worked as under:-

Heads	Awarded by the Tribunal	Awarded by the High Court
Income assessed	₹1200/- per month	₹2,000/- per month
(+) future prospects (40%)	----	(+ ₹800/-) = ₹2800/-
(-) 50% deduction	---	(- ₹1400/-) = ₹1400/-
Annual Dependency	₹1200/- x 12 x 5 = ₹72,000/-	₹1400/- x 12 = ₹16,800/-
	₹800/- x 12 x 10 = ₹96,000/-	---
Total	₹1,68,000/-	---
Multiplier	---	₹16,800 x 18 = ₹3,02,400/-
<u>Conventional Heads</u>		
Loss of Consortium	---	---
Loss of love and affection	---	₹15,000/-
Funeral Expenses	₹10,000/-	₹15,000/-
Loss of Estate	---	₹15,000/-
Total	₹1,78,000/-	₹3,47,400/-

The enhanced amount of compensation i.e. ₹1,69,400/-, shall carry interest at the rate of 7.5% p.a. from the date of filing the claim petition till the payment.

In view of the above, the present appeal stands disposed of.

20.09.2018
Pawan

(ANIL KSHETARPAL)
JUDGE

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