IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.381 of 2002 (O&M)

Date of decision: 05.02.2018

RAM PARKASH ... Appellant

Versus

JASPAL SINGH AND ORS. ... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Veneet Sharma, Advocate
for the appellant.

Mr. R.C. Gupta, Advocate
for the insurance company.

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REKHA MITTAL, J. (Oral)

CM-11978-CII-2015

Heard.

Allowed as prayed for. The main appeal is taken on board today itself.

Disposed of accordingly.

Main Case

The unfortunate father of Surinder Kumar is in appeal seeking enhancement of compensation on account of death of his son in a motor vehicular accident that took place on 22.03.1998.

The Tribunal has awarded compensation to the tune of

Rs.1,10,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.3000/-
2. Multiplier	6
3. Deduction for personal expenses	50%
4. Funeral expenses	Rs.2000/-

Counsel for the claimant would argue that the Tribunal has not allowed benefit of increase in income for future prospects. The multiplier adopted by the Tribunal is liable to be corrected in the light of judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77.** Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company would urge that the claimant failed to adduce satisfactory much less cogent evidence to prove income of the deceased. The minimum wage at the relevant time was approximately Rs.1600/- per month. The Tribunal has rightly applied multiplier of 6 on the basis of age of the claimant.

The occurrence took place in March, 1998. The minimum wage of a casual worker at the relevant time was Rs.1583/-. Accordingly, income of the deceased is assessed at Rs.1600/- per month. As the deceased was born on 22.12.1963, he was slightly more than 35 years old at the time of death. Claimant shall be entitled to increase in income for future prospects @ 40%. Keeping in view age of the deceased when examined in the light of judgments of Hon'ble the Supreme Court in **Sarla Verma's case** (supra), **Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors.,**

2015 (3) SCC (Civil) 315 and **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270,** appropriate multiplier is 16. Deduction for personal expenses allowed by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs.2,15,040/- (Rs.1600 x 12 x 16) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, claimant shall be entitled to Rs.30,000/-, namely Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate.

Total compensation is Rs.2,45,040/- and the additional amount is Rs.1,35,040/- (2,45,040 – 1,10,000), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

The insurance company is directed to deposit the additional amount in the account of appellant-Ram Parkash, bearing No.1666026571, Central Bank of India, Putlighar Branch, Amritsar within one month as he is pretty old and needs assistance to avoid another bout of litigation, for realization of the additional amount.

05.02.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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