

FAO- 2287 of 2014
Date of Decision: 8.1.2018

Smt. Tulsa Devi and another

---Appellants

versus

Dharam Soni and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. R.S.Mamli, Advocate
for the appellants

Mr. Vinod Gupta and Mr. Vishwajit Bedi, Advocates,
for respondent No. 2

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Pawan Kumar in a motor vehicular accident that took place on 26.1.2012.

The Motor Accidents Claims Tribunal, Fatehabad (in short “the Tribunal”) has awarded compensation to the tune of Rs. 5,90,240/-, detailed hereunder:-

Monthly income of the deceased	Rs. 5280/-
Deduction for personal expenses	50%
Multiplier	18
Loss of dependency	Rs.31,680 x18=Rs. 5,70,240/-
Loss of love and affection etc. to the parents	Rs. 15,000/-
Transportation of dead body, funeral expenses and last rites	Rs. 5,000/-

Counsel for the appellant has submitted that the deceased was born in the year 1991 and more than 20 years of age at the time of occurrence. He was a sports person who participated in various sports activities, therefore, he had a lot of potential to prove himself to be a good sports person and getting a job in sports quota. In addition, it is argued that the deceased was a student of B.A.Part-II, therefore, his income is liable to be assessed on the basis of his educational qualification and sports abilities. The claimants are entitled to increase in income for future prospects to the extent of 40%. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has supported the assessment made by the Tribunal with the plea that adequate compensation has been allowed.

The claimants produced on record documents Ex. P2 to P10 with regard to the deceased having participated in different sports competitions and having won certain positions. He was a student of B.A.Part-II mentioned in the certificate Ex. P5. The Tribunal has assessed income of the deceased at Rs. 5280/- per month. The minimum wage of skilled person was approximately Rs. 5000/- at the relevant time. Taking into consideration educational qualification, sports abilities coupled with minimum wage fixed by the State of Haryana and available at the relevant time, interest of justice would be served if income of the deceased is assessed at Rs. 6000/- per month. The claimants shall be entitled to increase in income for future prospects to the tune of 40%. Multiplier and deduction

FAO- 2287 of 2014

-3-

for personal expenses allowed by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs. 6000 x 12 x 18 = 12,96,000 + 5,18,400 (40%) = 18,14,400 - 9,07,200 = Rs. 9,07,200/-.

Under conventional heads, claimants shall be entitled to an amount of Rs. 30,000/-, detailed hereunder:-

Expenses on funeral Rs. 15,000/-

Loss of estate Rs. 15,000/-

The total compensation comes to Rs. 9,37,200/- and the additional amount is Rs. 3,46,960/- (9,37,200 – 5,90,240), 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

8.1.2018

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No