IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 2101 of 2015(O&M)

Date of decision: 7.9.2018

Darshna Devi and another …..Appellants

VERSUS

Amit and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. N.K. Malhotra, Advocate for the appellants.

Mr. Jitender Nara, Advocate for respondents No.1 and 2.

Mr. Sumit Gupta, Advocate for respondent No.3.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Rohtak (in short 'the Tribunal') on account of death of Ravinder Kumar in a motor vehicular accident that took place on 09.03.2013.

The Tribunal has awarded compensation of Rs.9,65,000/- detailed hereunder:-

Annual income of the deceased	Rs.200000/-
Expenses on treatment	Rs.1,40,000/-
Deduction for personal expenses	50%
Multiplier	7
Loss of dependency	Rs.7,00,000/-
Loss of love and affection	Rs.100000/-
Funeral expenses	Rs.25000/-

Counsel for the appellant has prayed for enhancement of compensation primarily on two counts namely extending benefit of addition in income for future prospects at the rate of 40% and appropriate multiplier on the basis of age of the deceased.

Counsel representing the insurance company, on the contrary, would urge that as per the latest income tax return for the assessment year 2012-13 Ex.P9, annual income of the deceased is Rs.1,84,749/- but the Tribunal has wrongly assessed his income at Rs.2,00,000/- per annum. Compensation allowed under conventional heads may be restricted to Rs.30000/- as the deceased was unmarried son of the claimants.

The Tribunal in para 17 of the award has taken note of income tax returns Ex.P1, P5, P9 and P10. The latest income tax return prior to death of the victim is for the assessment year 2012-13 showing his income to be Rs.1,84,749/- per annum, therefore, income of the deceased would be Rs.1,85,000/- per annum. Claimants shall be entitled to addition in income for future prospects at the rate of 40%. Deduction for personal expenses and expenses on treatment including transportation are correct and affirmed. However, as the deceased was 29 years old, admissible multiplier would be 17 in the light of judgments of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77**; **Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447** and **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270**. In this manner, loss of dependency comes to Rs.22,01,500/- [Rs. 31,45,000/- (Rs.185000/- x 17) + Rs.12,58,000/- (40%

towards future prospects) – Rs.22,01,500/- (50% deduction towards personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitled to Rs.30000/- i.e. Rs.15000/- for funeral expenses and Rs.15000/- for loss to estate.

In view of the above, total compensation comes to Rs.23,71,500/- and the additional amount is Rs.14,06,500/- (Rs.23,71,500/- - Rs.9,65,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to mother of the deceased.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

SEPTEMBER 7, 2018 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no