

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 6189 of 2013(O&M)

Date of Decision: 15.10.2018

Sultan Ram and another

---Appellants

versus

Major Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sandeep Jasuja, Advocate
for the appellants

Mr. Madan Bhandari, Advocate,
for respondents No. 1 and 2

Mr. Lalit Garg, Advocate
for the insurance company

Rekha Mittal, J.

CM No. 25463-CII of 2013

Prayer in this application is for condoning delay of 03 days in
refiling the appeal.

Allowed as prayed for. Delay of 3 days in refiling the appeal
stands condoned.

Disposed of accordingly.

FAO No. 6189 of 2013

The claimants are in appeal seeking enhancement of
compensation on account of death of Pritpal in a motor vehicular accident
that took place on 11.11.2011.

The Motor Accidents Claims Tribunal, Fazilka (in short “the Tribunal”) has awarded compensation of Rs.2,66,000/-, detailed hereunder:-

Income of the deceased	Rs. 4000/- per month
Deduction for personal expenses	50%
Multiplier	11
Funeral expenses	Rs. 2000/-

Plea of the claimants is that deceased passed 10+2 in 2004 and holder of diploma in ACCA and was earning Rs. 15,000/- per month. They have also stated that deceased was running a computer centre. Claimants have failed to adduce satisfactory much less cogent evidence with regard to deceased running a computer centre. However, they have produced documents with regard to educational qualification of deceased and diploma of ACCA with duration of one year issued by Twenty Ten Academy powered by Educational and Social Welfare Trust.

Taking a clue from minimum wage available at the relevant time coupled with educational qualification of deceased, interest of justice would be served if income of the deceased is assessed at Rs. 5000/- per month. As the deceased was 26 years old at the time of occurrence, claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. Admissible multiplier would be 17 in the light of judgment of Hon'ble the Supreme Court **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298**. Accordingly, loss of dependency is calculated at Rs. 7,14,000/-[5000 x 12 x17= 10,20,000 + 4,08,000 = 14,28,000 – 7,14,000 (50%)].

Under conventional heads, claimants shall be entitle to Rs.

1,10,000/-, detailed hereinunder:-

Loss of consortium to parents	Rs. 80,000/-
Expenses on funeral expenses	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 8,24,000/- and the additional amount is Rs. 5,58,000/- (8,24,000 -2,66,000), payable with interest @ 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

15.10.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No