

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 629 of 2013 (O&M)

Date of Decision:- 06.02.2018

Rohtash Singh & Anr.

....Appellants

Versus

Sumer Singh & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Bhupender Chaudhary Advocate, for the appellants.

None for respondent No.3.

REKHA MITTAL, J. (Oral)

Claimants are in appeal seeking enhancement of compensation on account of death of Bhupender in a motor vehicular accident that occurred on 16.03.2011. The Motor Accidents Claims Tribunal, Bhiwani (for short,'the Tribunal') has awarded compensation of ₹4,52,000/-, detailed hereunder:-

Monthly income assessed	=	₹4800/-
Deduction of personal expenses	=	50%
Multiplier applied	=	15
Loss of dependency	=	₹4,32,000/-
Funeral expenses	=	₹20,000/-.

Counsel for the claimants has submitted that the deceased was diploma holder in electronic from ITI. It has been proved on record that he was getting stipend of ₹1500/- from Samsung India Electronic Private Ltd., authorized service station managed by Super Services Green Road, Rohtak.

He did diploma after passing Senior Secondary School Examination as per

the Certificate Ex.P5. It is further argued that in view of educational and technical qualification of the deceased, income assessed by the Tribunal needs to be enhanced. Claimants are entitled to benefit of increase in income for future prospects @40%. The multiplier adopted by the Tribunal needs modification in the light of judgment of Hon'ble the Supreme Court *Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr., 2009(3) RCR (Civil) 77.* Adequate compensation may be allowed under conventional heads.

There is no representation on behalf of the Insurance Co., earlier being represented by a counsel.

I have heard counsel for the appellants, perused the paper-book and records.

Rohtash Singh, father of the deceased appeared in the witness box to prove entitlement of the claimants to get compensation. The claimants placed on record documents Ex.P4 to P6 i.e Secondary School Examination Certificate, Sr. Secondary School Examination Certificate and Provisional National Trade Certificate from department of Industrial Training Institute, Haryana, respectively. The documents on record establishes plea of the claimants that the deceased had Senior Secondary School Examination Certificate and National Trade Certificate in Mechanical Radio and Television from Department of Industrial Training Institute, Haryana. It has also been proved that he was getting stipend of ₹1500/- from Samsung India Electronic Private Ltd. Taking a clue from the minimum wage of a highly skilled worker fixed by the State of Haryana and available at the relevant time coupled with educational and technical qualification of the deceased, interest of justice would be served if income

of the deceased is assessed as ₹7000/- per month. The claimants shall be entitled to increase in income for future prospects @40%. The Tribunal has applied multiplier 15 for computing loss of dependency. As per the certificates brought on record deceased was born on 12.08.1990 and he was less than 21 years of age at the time of death. In view of enunciation laid down by Hon'ble the Apex Court in Sarla Verma's case (supra), Munna Lal Jain & Anr Vs. Vipin Kumar Sharma & Ors. 2015 (3) SCC (Civil) 315 and National Insurance Co. Ltd. Vs. Parney Sethi and Ors. 2017 SCC 1270, admissible multiplier is 18. In this manner loss of dependency comes to $(₹7000/- \times 12 \times 18) + (40\%) - (50\%) = ₹10,58,400/-$.

Under conventional heads, claimants shall be entitled to ₹30,000/- i.e. ₹15,000/- for funeral expenses and ₹15,000/- for loss of estate. In this manner, total compensation comes to ₹10,88,400/-. The additional amount of ₹6,36,400 (₹10,88,400/- - ₹4,52,000) is payable with interest @7.5% per annum from the date of filing of the petition till realisation to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

February 06, 2018
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No