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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5729 of 2014 (O&M)
Date of Decision: 18.07.2018.

Pushpa Rani and another
.....Appellants

Vs

Lala @ Jugesh and others
....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Sunny Namdev, Advocate for
Mr. Sandeep Goyat, Advocate
for the appellants.

Mr. Karan Chaudhary, Advocate for
Mr. Rajender Chhokar, Advocate
for respondents No.1 and 2.

Ms. Vandana Malhotra, Advocate
for respondent No.3.

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RAJ MOHAN SINGH, J. (Oral)

CM No.15858-59-CII of 2014

For the reasons recorded in the applications, delay of 67 days in re-filing and also 67 days in filing the present appeal is condoned.

Applications stand disposed of.

Main case

[1]. This appeal has been preferred by the claimants for

enhancement of compensation as awarded vide award dated 22.08.2013 passed by the Motor Accident Claims Tribunal, Hisar (hereinafter to be referred as 'the Tribunal').

[2]. The accident in question took place on 24.12.2011 in which Sandeep had died. Claimants/parents have come forward to seek compensation on account of death of their son.

[3]. The Tribunal held that the accident in question took place due to rash and negligent driving by driver of the offending vehicle. The Tribunal after assessing the material on record awarded an amount of Rs.4,52,000/- as compensation.

[4]. I have heard the submissions made by learned counsel for the parties.

[5]. The Tribunal assessed the monthly income of the deceased to be Rs.4,000/- per month. Since the deceased was having no permanent job, therefore, in my considered opinion monthly income of the deceased was rightly assessed. The deceased Sandeep was 19 years of age at the time of accident, therefore, increase on account of future prospects to the tune of 40% in view of ***National Insurance Co. Limited vs. Pranay Sethi, 2017 SCC 1270*** has to be added to the monthly income of the deceased. In this way the monthly income of the deceased would come out to be Rs.5600/- per month i.e.

Rs.67,200/- (5600 x12) per annum.

[6]. Since the deceased was bachelor, therefore, deduction to the tune of 50% in the annual income is to be made towards personal expenses of the deceased. In this manner, the annual dependency would come out to be Rs.33,600/- (67,200 **/** 2).

[7]. The deceased was aged about 19 years at the time of accident. In view of ratio laid down in ***Sarla Verma vs. Delhi Transportation Corporation, 2009 ACJ 1298 (SC)*** on the basis of age of the deceased, multiplier of 18 has to be applied. In this way assessment towards dependency would come out to be Rs.6,04,800/- (33,600 x 18). An Additional amount of Rs.30,000/- can be assessed towards conventional heads i.e. Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate in view of ***National Insurance Co. Limited vs. Pranay Sethi,'s*** case (supra). In this way, total amount of compensation would work out to be Rs.6,34,800/- (6,04,800 + 30,000).

[8]. The enhanced amount i.e. Rs.1,82,800/- (6,34,800 – 4,52,000) shall carry interest @ 7.5% per annum from the date of filing of the claim petition till final realization of the amount. The recovery rights in favour of Insurance Company shall remain intact.

[9]. In view of aforesaid modification, the appeal is accordingly disposed of.

July 18, 2018 **(RAJ MOHAN SINGH)**
Atik **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No