IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6010 of 2014 (O&M)
Date of decision: 06.04.2018

Trilok Chand and Another ...Appellants

Versus

Salam Khan and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashok Kaushik, Advocate
for the appellants.

Mr. D.K. Prajapati, Advocate
for Mr. R.S. Madan, Advocate
for respondent No. 3.

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AVNEESH JHINGAN, J. (ORAL)

The appeal arises from award dated 17.09.2013 passed by Motor Accident Claims Tribunal, Palwal (for short, 'the Tribunal'). The appeal is against the award awarding a sum of ₹ 3,07,000/- along with interest at the rate of 9% per annum, compensation for death of Lalit aged 23 years in motor vehicular accident.

On 07.09.2011, Lalit was driving car bearing registration No. HR-30J-6720. He was going to drop his friend Hoshiar to village Deeghot. Near Hotel Hide Village Asawata a rashly and negligently driven truck bearing registration No. NL-01-G-3704 hit the car from behind. As a result of the impact the car turned turtle, Lalit and Hoshiar lost their lives. FIR No. 370 dated 08.09.2011 was registered at Police Station Camp Palwal.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by the LRs of the deceased. The Tribunal after considering the fact that the deceased was 23 years of age and claim was made that he was running a shop, assessed his monthly income as ₹4500/-.

The grievance raised in the appeal is that the monthly income assessed at ₹4500/- is on the lower side. The multiplier has not been applied in consonance with the decision of the Supreme Court in **Sarla Verma and Others Vs. Delhi Transport Corporation and Another, (2009) 6 SCC 121**. The amount of ₹ 10,000/- awarded under the conventional heads is on the lower side.

In the claim petition it was averred that the deceased was running the shop in the name of M/s Bhola Communication, Minar Gate Chowk, Palwal and his earning was ₹ 20,000/- per month. However, no evidence was adduced either to support his earning or to the effect that he was running a shop. Taking clue from minimum wages prevalent in the State of Haryana at the time of accident, the monthly income of the deceased is taken as ₹ 5,000/-. Having due regard to the decisions of the Supreme Court in **Sarla Verma's** case (supra), **National Insurance Company Ltd. Vs. Pranay Sethi and Others 2017 (4) RCR (Civil) 1009** and **Hem Raj Vs. Oriental Insurance Company Ltd., 2017 DNJ 1102**, ½ deduction is made for self expenses, multiplier of 18 is applied and 40% future prospects are added ₹ 15,000/- each is awarded for funeral expenses and loss of estate.

The compensation is calculated as below:-

Annual earning	₹ 60,000/-
40% Future Prospects	₹ 24,000/-
Total	₹ 84,000/-
½ deduction for self expenses	₹ 42,000/-
Dependancy	₹ 42,000/-
Applying multiplier of 18	₹ 7,56, 000/-
Funeral expenses	₹ 15,000/-
Loss of estate	₹ 15,000/-
Total	₹ 7,86,000/-

The claimants would be entitled to the enhanced compensation along with interest at the rate of 6 % per annum from the date of the filing of the claim petition till realisation of the amount.

Appeal is disposed of in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

April 06, 2018
Poonam (II)

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*