IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 24.05.2018

FAO No.4623 of 2015 (O&M)

Anita Guliani ... Appellant

Versus

Rony Sharma @ Romi Sharma and others ... Respondents

FAO No.4775 of 2015 (O&M)

Avleen Kaur minor through Gurbaksh Kaur ... Appellant

Versus

Rony Sharma @ Romi Sharma and others ... Respondents

FAO No.4780 of 2015 (O&M)

Gurbaksh Kaur and another ... Appellants

Versus

Rony Sharma @ Romi Sharma and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Munish Gupta, Advocate
for the appellants.

Mr. M.K. Garg, Advocate
for the insurance company.

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REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.4623, 4775 and 4780 of 2015 as these have emerged out of the same award dated 05.03.2015 passed by the Motor Accidents Claims Tribunal, Hoshiarpur whereby compensation has been awarded on account of death of Harvinder Singh and injuries sustained by Anita Guliani and Avleen Kaur.

FAO No.4775 of 2015 has been filed by injured Avleen Kaur (minor) seeking enhancement of compensation, FAO No.4623 of 2015 has been filed by Anita Guliani for the same relief whereas FAO No.4780 of 2015 has been filed by Gurbaksh Kaur and another with regard to death of Harvinder Singh.

FAO Nos.4775 and 4623 of 2015

There is no justification for enhancement of compensation allowed to both the injured, on any count whatever. However, the Tribunal has not allowed interest on compensation assessed. Claimants shall be entitled to interest @ 7.5% per annum from the date of petition till realization.

The appeals are partly allowed in the aforesaid terms.

FAO No.4780 of 2015

With regard to death of Harvinder Singh, the Tribunal has awarded compensation of Rs.24,85,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.58,847/- (rounded of to Rs.58,850/-)
2. Annual income of the deceased	Rs.7,06,200/-
3. Multiplier	5
4. Deduction for personal expenses	1/3rd
5. Loss of dependency	Rs.23,54,000/-
6. Expenses on funeral	Rs.25,000/-

7. Loss of estate	Rs.6000/-
8. Loss of consortium	Rs.1,00,000/-

The Tribunal has rightly assessed income of the deceased on the basis of documents Exs.A4 to A8 as the deceased was Headmaster in Government High School, Birampur, District Hoshiarpur. After deducting income tax Rs.73,377/-, net annual income of the deceased is Rs.6,32,823/-. Claimants shall be entitled to addition in income for future prospects @15%. Deduction for personal expenses allowed by the Tribunal is affirmed. However, admissible multiplier, in view of age of the deceased, would be 9. In this context, reference can be made to judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**. In this manner, loss of dependency is calculated at Rs.43,66,478/- [(Rs.6,32,823 x 9) + (15% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitled to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.44,36,478/- and the additional amount is Rs.19,51,478/- (44,36,478 - 24,85,000). Claimants shall be entitled to interest @ 7.5% per annum on the amount assessed by the Tribunal as well as additional amount allowed by this Court from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

24.05.2018 **(REKHA MITTAL)**
ashok **JUDGE**

Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No