IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227 **FAO-5273-2015 (O&M)**
Date of Decision : 14.9.2018

Dhanpati and another **....Appellants**

vs.

Ant Ram and others **....Respondents**

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. N.S.Panwar, Advocate
for the appellants.

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

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AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 26.3.2015 passed under Motor Accident Claims Tribunal, Sonepat awarding compensation of Rs. 4,33,000/- alongwith interest at the rate of 7.5% per annum on account of death of Laxmi Narain in an accident.

Since limited points have been urged detailed reference to the facts is not required.

Counsel for the appellants has argued that the Tribunal erred in taking the income of the deceased as Rs. 5,000 since as per the provisions of Minimum wages Act in Haryana the minimum income for unskill labourer was Rs. 5,341/- per month. Counsel for the respondent No.3 has accepted this. Consequently, I hold the income of the deceased as Rs. 5,400/- per month.

Counsel for the appellants has further argued that in view of the judgment of the Supreme Court in the matter of ***Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298,*** the multiplier of 17 has to be applied instead of 9 (which was taken as per the age of the mother). Learned counsel for the insurance company is not in a position to deny this also. Consequently, it is held that multiplier of 17 has to be applied.

Learned counsel for the appellants has stated that under the conventional heads Rs. 28,000/- has been granted and cited the judgment of the Supreme Court passed in the matter of ***Sureshchandra BagmalDoshi and Anr. vs. New India Assurance Company Limited and others*** reported as ***2018 (2) RCR (Civil) 841*** where the widow daughter had died and the Supreme Court held as follows :-

> "*14. Now coming to the last aspect, i.e., the conventional heads, in National Insurance Company Limited(supra), it has been standardized at Rs.15,000 for loss of estate; Rs.40,000 towards loss of consortium (in the present case loss of love and affection) and Rs.15,000 towards funeral expenses. The total amount, thus, would be Rs.70,000, which as per the said judgment is capable of being enhanced @ 10 per cent in the span of every three years. However, we are still within the window of three years.*"

Having gone through the judgment, I find that their Lordships considered the Constitution Bench judgment of the Supreme Court in the matter of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009.*** Consequently, I grant a sum of Rs.42,000/- more under the conventional heads.

Counsel for the appellants further has argued that in view of the judgment of Pranay Sethi (supra) 40% future prospects have to be granted. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award 40% future prospects.

The entire amount would go to the appellant No.1. The interest would be same as ordered by the Tribunal. Rest of the Award shall remain unchanged.

The appeal stands disposed of with the abovesaid modifications.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

14.9.2018
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No