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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5447 of 2015
Date of Decision: 22.05.2018.

Amarjeet Kaur and Anr.
......Appellants

Vs

Daan Singh and others
....Respondents

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

Present: Mr. Shubhashish Kukreti, Advocate and
Mr. Deepak Verma, Advocate
for the appellants.

Mr. Sanjiv Goyal, Advocate
for respondent No.3/Insurance Company.

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RAJ MOHAN SINGH, J. (Oral)

[1]. The present appeal has been preferred by the appellants/claimants for enhancement of compensation against the award dated 04.02.2015 passed by the Motor Accident Claims Tribunal, Bathina (hereinafter to be referred as 'the Tribunal') whereby an amount of Rs.4,25,000/- was awarded along with interest @ 7½% per annum from the date of filing of claim petition till realization of the same. It was also observed that if the amount of compensation is not paid within two months, then the Insurance Company shall pay interest @ 9%

per annum from 15.05.2013.

[2]. Brief facts are that unmarried son of the appellants/claimants died in a motor vehicular accident on 03.01.2013. He was 30 years 9 months of age at the time of accident and was a carpenter by avocation. Monthly income of the deceased Ranjit Singh was assessed as Rs.4500/- per month. On the basis of aforesaid assessment, deduction to the extent of 50% was made and the annual dependency was assessed Rs.27,000/- (2250 x 12) to which multiplier of 15 was applied. An amount of Rs.20,000/- was assessed under conventional heads. In this way, a total compensation of Rs.4,25,000/- was awarded by the Tribunal.

[3]. Learned counsel for the appellants submitted that in view of age and avocation of the deceased, future prospects to the extent of 40% should have been granted in view of ***National Insurance Co. Limited vs. Pranay Sethi, 2017 SCC 1270*** and multiplier should have been applied by the Tribunal on the basis of age of the deceased in view of ratio laid down in ***Munna Lal Jain vs. Vipul Kumar, 2015 ACJ 1985 (SC)***.

[4]. Learned counsel further submitted that monthly income is to be enhanced in view of minimum wages prevailing at the relevant time. As per Government notification, minimum rate of

wages as on 01.03.2013 in case of unskilled labourer was Rs.5695/-.

[5]. The aforesaid facts have not been denied by learned counsel for the respondent No.3/Insurance Company.

[6]. I have considered the submissions made by learned counsel for the parties.

[7]. In view of Govt. notification of 2013, income of the deceased is considered to be Rs.5695/- per month. In addition to said amount, 40% of the income i.e. Rs.2278/- is to be credited towards future prospects of the deceased. Thus, the total monthly income of the deceased is assessed to be Rs.7973/- i.e. Rs.95,676/- per annum. Since the deceased was unmarried, therefore, deduction to the extent of 50% is to be applied towards personal expenses. In this way, the total amount of annual dependency comes to Rs.47,838/-.

[8]. The deceased was aged about 30 years 9 months at the time of accident. In view of ratio laid down in ***Sarla Verma vs. Delhi Transportation Corporation, 2009 ACJ 1298 (SC)*** and ***Munna Lal Jain's*** case (supra) on the basis of age of the deceased, multiplier of 16 is to be applied. In this way assessment towards dependency comes out to be Rs.7,65,408/- (47,838 x 16). An Additional amount of

Rs.15,000/- can be assessed towards loss of estate and Rs.15,000/- towards funeral expenses in view of ***Pranay Sethi's*** case (supra). In this way, total amount of compensation comes out to be Rs.7,95,408/- (7,65,408 + 15,000 + 15,000).

[9]. The enhanced amount i.e. Rs.3,70,408/- (7,95,408 – 4,25,000) would carry interest @ 7.5% per annum from the date of filing of the claim petition till final realization of the amount.

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

May 22, 2018 **(RAJ MOHAN SINGH)**
Atik **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No