IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 8243 of 2014
Date of decision : October 9, 2018

Pammo Devi @ Pammi Devi and another
.... Appellants

Versus

Sukhdarshan Singh and others
.... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Deepak Sharma , Advocate
for the appellants.

Mr. Abhinav Gupta , Advocate
for respondent No.3-Insurance Company.

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AMOL RATTAN SINGH, J (Oral).

By this appeal, the appellants seek enhancement of the compensation of Rs. 6,45,500/- awarded to them by the Motor Accident Claims Tribunal, Ambala, vide its Award dated 6.2.2014.

The deceased husband of appellant no.1 (father of appellant No.2), i.e. deceased Mulkhraj, is stated to have died in a motor accident that took place on 24.2.2013, and was found to have been working as a labourer earning Rs. 5,000/- per month, by the learned Tribunal.

Having come to that finding, 1/3rd of the aforesaid income of the deceased was deducted towards personal expenses, with the loss of income to the appellants therefore assessed at Rs. 3334/- per month or Rs. 40,008/- annually.

The deceased having been taken to be 40 years old, a multiplier of 15 was applied in terms of the ratio of the judgment of the Supreme Court in **Sarla Verma and others Vs. Delhi Transport**

Corporation and another 2009 ACJ 1298 (SC), with the total loss of income therefore assessed at Rs. 6,00,120/-. Other than that, Rs. 20,000/- were awarded towards funeral expenses, Rs. 20,000/- towards loss of consortium and Rs. 5,000/- for loss love and affection (thereby making the total compensation to be Rs.6,45,120/-, rounded off to Rs. 6,45,500/-).

Learned counsel for the appellant submits that the learned Tribunal has not awarded any compensation at all towards loss of future prospects of income and even as regards the compensation awarded under the conventional heads, it was to be atleast Rs.70,000/- in terms of the judgment of the Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and others 2017 ACJ 1270**, whereas the total amount awarded was only 45,000/-.

Learned counsel for the respondents could not, naturally, deny the ratio of the judgment of the Supreme Court in **Pranay Sethi and others' case (supra)** but submits that loss of future prospects of income have to be assessed at not more than 40% for loss of income assessed annually to the appellants, the deceased being a self employed person of 40 years of age.

Consequently, this petition is allowed to the extent that to the annual loss of income to the appellants, to the tune of Rs. 40,008/-, (after deducting 1/3rd of the deceased's income), 40% of that sum be added. Thus, the total loss of the dependent's income, annually, comes to Rs. 56011/- (Rs. 40,008/- +16003= Rs.56011), to which a multiplier of 15 is to be applied, thereby making the total loss of such income to be Rs. 8,40,165/- (Rs.56011 x 15).

Similarly, Rs. 15,000/- is awarded on account of funeral expenses, Rs.40,000/- towards loss of consortium, Rs.15,000/- for loss of estate, thereby bringing the total compensation to Rs. 9,10,165/- (Rs.8,40,165 +70,000/-). The additional amount of compensation payable to the appellants comes to Rs. 9,10,165/- - Rs. 6,45,500/- =Rs. 2,64,665/- upon which interest as was awarded by the Tribunal, @ 7.5% per annum, running from the date of filing of the claim petition till the date of realization thereof, is also awarded.

No order as to costs.

(AMOL RATTAN SINGH)
JUDGE

October 9, 2018
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Whether speaking/reasoned Yes/No
Whether Reportable Yes/No