IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

241 FAO No.6813 of 2016 (O&M)
Date of decision: 06.04.2018

NATIONAL INSURANCE COMPANY LTD. ... Appellant

Versus

RAMESHWAR SINGH AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Amrinder S. Sidhu, Advocate for the appellant.

None for respondents No.1 to 3.

Mr. Akhil Agnihotri, Advocate for
Mr. Dheeraj Mahajan, Advocate for respondent No.4.

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<u>REKHA MITTAL, J. (Oral)</u>

The present appeal directs challenge against award dated 03.05.2016 passed by the Motor Accidents Claims Tribunal, Gurdaspur whereby compensation has been awarded on account of death of Vikrant Singh son of Rameshwar Singh in a motor vehicular accident that took place on 10.08.2015.

The Tribunal has awarded compensation of Rs.11,05,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Multiplier	18
3. Loss of dependency	Rs.10,80,000/-
4. Expenses on funeral	Rs.25,000/-

The sole submission made by counsel for the appellant is that the Tribunal has not deducted any amount for personal expenses of the deceased. The deceased was unmarried son of the claimants, therefore, deduction for personal expenses should be 50% in the light of judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport**

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Corp.& Anr, 2009 (3) RCR (Civil) 77.

There is no representation on behalf of respondent No.2, earlier being represented by a counsel.

Counsel for respondent No.4 has not advanced any arguments qua quantum of compensation assessed by the Tribunal.

As per plea of the claimants, deceased was a student of 10+1. Father of the deceased was Inspector in Punjab Police and mother was working as Government Teacher, as noticed by Tribunal in para 16 of the award. Taking a clue from the minimum wage of an unskilled worker available at the relevant time coupled with educational qualification of the deceased, income of the deceased is assessed at Rs.7000/- per month. Claimants shall be entitled to increase in income for future prospects @40%. As the application for compensation has been filed by parents of the deceased, admissible deduction would be 50%. Multiplier applied by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs.10,58,400/- (Rs.7000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, claimants shall be entitled to Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss of estate.

Total compensation is Rs.10,88,400/-. There would be difference of Rs.16,600/- (11,05,000 – 10,88,400) in the compensation awarded by the Tribunal vis-a-vis compensation computed by this Court. In the given scenario, the award passed by the Tribunal is affirmed.

No order as to costs.

Disposed of.

(REKHA MITTAL)
JUDGE

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

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