

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision : 16.8.2018

233 FAO-6857-2016 (O&M)

Luxmi Devi @ Sonia and others Appellants

vs.

Jale Singh and others Respondents

233-A FAO-7017-2016 (O&M)

Sharda Devi and others ..Appellants

vs.

Jale Singh and others Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Dheeraj Narula, Advocate
 for the appellants.

AJAY TEWARI, J. (Oral)

CM-24220-CII-2016 in FAO-7017-2016

For the reasons recorded, the application is allowed. Delay of 3
days in filing the appeal is condoned.

CM-23834-CII-2016 in FAO-6857-2016

For the reasons recorded, the application is allowed. Delay of 3
days in filing the appeal is condoned.

Main Case

This order shall dispose of aforesaid two appeals as both arise
from the same accident.

The appeal bearing FAO No. 6857-2016 has been filed by the claimants against the Award dated 27.5.2016 passed by the Motor Accident Claims Tribunal, Sirsa awarding compensation of Rs. 15,21,000/- alongwith interest at the rate of 7.5% per annum on account of death of Ashok Kumar in an accident.

The appeal bearing FAO No. 7017-2016 has been filed by the claimants against the Award dated 27.5.2016 passed by the Motor Accident Claims Tribunal, Sirsa awarding compensation of Rs. 15,21,000/- alongwith interest at the rate of 7.5% per annum on account of death of Raghuvansh Singh in the same accident.

Since a very limited point has been urged detailed reference to the facts is not required

Learned counsel for the appellants has stated that both the deceased were painters and at the relevant time the minimum wages of an unskilled labourer was Rs. 6,500/- and the Tribunal erred in taking the monthly income as Rs. 6,000/-.

I however find that the Tribunal has granted 50% future prospect after considering multiplier as per the judgment of the Supreme Court in the matter of ***Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*** while as per decision of the Supreme Court in the matter of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009***, future prospects could only be 40%.

Further I find that a sum of Rs.2,25,000/- has been awarded under the conventional heads whereas as per the judgment of Supreme

Court in Pranay Sethi's case (supra) the compensation under the conventional heads had to be pegged at Rs. 70,000/-.

Resultantly, it has to be held that whatever the appellants may have lost on account of taking income as Rs.6,000/- instead of Rs.6,500/- has been more than made up on account of extra payment granted under future prospects and under the conventional heads.

Both the appeals stand dismissed.

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

16.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No