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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No. 24780-CII of 2018 in/and
FAO No. 8021 of 2016
Date of Decision: 19.11.2018

Suman and others

-Appellants

Versus

Leela Ram and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Amrita Nagpal, Advocate,
for the appellants.
Mr. Suman Jain, Advocate,
for respondent No.3.

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RAJ MOHAN SINGH, J. (ORAL)
CM No. 24780-CII of 2018

Allowed as prayed for, subject to just exception.

Main case

Appellants have assailed the award dated 09.05.2016 passed by MACT, Panipat to the extent of inadequacy as component of future prospects has not been considered by the MACT.

Notice of motion was issued to respondent No.3 only.

Concededly, the offending vehicle was duly insured and the liability of the respondents was held to be joint and several. The income of the deceased- Vijay was assessed to be Rs.10,807/- per month. The family of the deceased was comprising of four members.

Learned counsel for the appellants refer to examination-in-chief of appellant No.1 to show that the appellants were dependent on the income of the deceased. Cross-examination of the witness does not show any incriminatory information extracted by respondent No.3. Even no suggestion was put to the witness in respect of father being not dependent upon income of the deceased or he was gainfully employed somewhere else.

In case of deceased employed in private company, future prospects to the tune of 40% can be applied keeping in view his age to be 28 years at the time of death. If the component of future prospects is considered in the light of monthly income of the deceased to be Rs.10,807/- the total earning would come out to be Rs.15,129/- per month. Keeping in view the composition of the family, deduction of 1/4th i.e. Rs.3782/- has to be applied from total computation of monthly income towards his personal expenses. In this way, residual monthly income would come out to be Rs.11,347/- i.e.

Rs.1,36,164/- per annum. Keeping in view the age of the deceased, multiplier of 17 would suffice to serve the ratio of **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121**. In this way, total compensation would come to be Rs.23,14,788/-. The enhanced amount of Rs.5,26,368/- (23,14,788-17,88,420 = 5,26,368) shall carry interest as awarded by the Tribunal from the date of filing of claim petition till final realization of the same.

Since, notice of motion was issued only to the extent of future prospects, therefore, I deem it appropriate to answer the claim of the appellants to that extent.

Appeal stands disposed of.

Since, there is no cross appeal by the Insurance Company, therefore, compensation under conventional head would remain the same.

Necessary consequences to follow.

19.11.2018 **(RAJ MOHAN SINGH)**
Jyoti Yadav **JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No