

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3697-2005(O&M)

Date of decision: 16.05.2019

Nitya Nand Tiwari

.....Appellant

versus

Kailash Chand and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Amit Rishi, Advocate for the appellant
Mr.Ravinder Arora, Advocate for respondent no.3

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

This is an appeal filed for enhancement of compensation against award dated 15.3.2005 passed by Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal'), vide which, on account of death of Ravi Kumar son of the petitioner, compensation to the tune of Rs.55,000/- was awarded, to be ultimately paid by respondent no.3 -insurance company.

Admittedly, the deceased was unmarried and 25 years of age at the time of accident. He was working as a Machine Fitter. Moti Lal (PW2), proved his employment. The Tribunal took the income of the deceased to be Rs.5000/- and applied multiplier of 13. The dependency of the claimant was taken to be Rs.4000/- per annum.

I am of the view that the Tribunal grossly erred in calculating

the compensation. The deceased was unmarried. His income was proved to be Rs.5000/- per month, in which, 40% future prospects are to be added, which comes to Rs.2000/-. The total income of the deceased comes to Rs.7000/-. Since, the deceased was unmarried, 50% personal expenses are deducted. The dependency of the claimant comes to Rs.3500/-. Since, the deceased was 25 years of age, multiplier of 18 is to be applied. Amount of compensation comes to $\text{Rs.3500/-} \times 12 \times 18 = \text{Rs.7,56,000/-}$. Rs.70,000/- under the conventional heads i.e. funeral, loss of love and affection are allowed. Total amount of compensation comes to Rs.8,26,000/-. The same is allowed and to be paid to the claimant-appellant. The enhanced compensation shall be paid with interest @ 7.25% per annum from the date of filing of claim petition till realization. Since, the offending truck was insured, the amount of compensation shall be paid by the insurance company.

The appeal is accordingly allowed.

16.05.2019

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No