

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

FAO No.1402 of 2007 (O&M)
Date of Decision: January 30, 2019

Sukhwant KaurAPPELLANT

VERSUS

Union of India and othersRESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashit Malik, Advocate
 for the appellant.

 Mr. Brijeshwar Singh Kanwar, Advocate
 for respondents No. 1 and 2.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the tribunal') vide award dated 01.04.2006 allowed compensation of ₹2,00,000/- for death of Vikram Singh (later referred to as the deceased) son of appellant, in a motor vehicle accident with Truck bearing registration No. 02E-60055.

As the only issue involved in this appeal relates to quantum of compensation as awarded by Tribunal, detailed facts of the case are being skipped for the sake of brevity.

The compensation awarded by the tribunal was computed as follows:-

(i)	Name of the deceased	Vikram Singh
(ii)	Age of the deceased	19 years
(iii)	Income of the deceased	₹2500 p.m.
(iv)	Annual dependancy of claimant-Sukhwant Kaur	₹12000 p.a.
(v)	Multiplier applied 16	₹12000X16 = ₹192000/-
(vi)	Funeral expenses	₹8000/-
<i>Total</i>		₹200000/-

Learned counsel for the appellant has sought enhancement of the compensation as per the law settled by Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009*** and has argued that the claimant is entitled to 40% addition in income of the deceased towards loss of future prospects and ₹30,000/- towards conventional heads. He has further argued that the Tribunal while assessing the income of the deceased has taken him as unskilled labourer and in the year 2004, minimum wages prescribed for unskilled labourer were ₹2600/- per month. The Tribunal has applied multiplier of 16 while as per the law settled by Hon'ble Apex Court in the case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121***, the multiplier of 18 is applicable in the present case.

Learned counsel for the respondents has not disputed the law as settled by Hon'ble Apex Court in ***Pranay Sethi (supra)*** and ***Sarla Verma (supra)***. He has argued that the chart as supplied by learned counsel for the appellant shows that the minimum wages for unskilled worker in the State of Haryana as on 01.11.2004 was ₹2600/- per month. The accident in this case had taken place on 07.08.2004, as such the Tribunal has rightly assessed income of the deceased as ₹2,500/- per month.

The Tribunal while assessing income of the deceased has observed that he was unskilled worker and prevailing income of unskilled worker at the relevant point of time was ₹2500/- per month. As per the chart supplied by learned counsel for the appellant, the minimum wages of unskilled worker in the State of Haryana w.e.f. 01.11.2004 was ₹2600/- per month. Keeping in view the above facts and I am of the considered opinion that income of the deceased taken by the Tribunal calls for no interference.

As per the law settled by Hon'ble Apex Court in *Sarla Verma (supra)* and *Pranay Sethi (supra)*, the claimant is entitled to benefits as sought by learned counsel for the appellant.

As a sequel of my above discussion, the compensation to which the claimant is entitled, is reassessed as follows:-

Sl.No.	Heads	Calculation
(i)	Income of the deceased	₹2500 per month
(ii)	40% of above (i) to be added as future prospects	(₹2500+₹1000)= ₹3500 per month
(iii)	Deduction of 1/2 towards personal expenses of the deceased	(₹3500-₹1750)= ₹1750 per month
(iv)	Compensation after multiplier of 18 is applied	(₹1750X12X18)= ₹378000/-
(v)	Conventional Heads	₹30000/-
Total		₹408000/-

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellant-claimant is enhanced from ₹2,00,000/- to ₹4,08,000/- for death of Vikram Singh. Liability to pay the amount of compensation shall be as per award. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realisation.

Respondent-insurance company will deposit the enhanced amount of compensation in the bank account of appellant-claimant or pay the same through demand draft. The claimant shall also be entitled to costs of this appeal.

January 30, 2019.
Jyoti-II

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No

(SURINDER GUPTA)
JUDGE