**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.5261 of 2014(O&M)
Date of Decision: 08.01.2019**

Jai Singh and others ......Appellants

Versus

Labh Singh and others .....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Sandeep Goyal, Advocate
for the appellants.

Mr. R.C. Gupta, Advocate
for respondent No.3.

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RAJ MOHAN SINGH, J.(Oral)

[1]. This appeal has been preferred by the claimants/appellants for enhancement of compensation awarded by Motor Accident Claims Tribunal, Karnal (for short 'The Tribunal') on 04.02.2013.

[2]. Appellants are widow, father and minor son of deceased Surender Kumar who died on 12.01.2011 in a vehicular accident.

[3]. The Tribunal held that the accident in question took place due to rash and negligent driving of respondent No.1 Labh

Singh. The deceased was 25 years of age. His income was assessed to be Rs. 4214/- per month in the absence of any cogent evidence of running Chemist shop. After applying increase of 30% towards future prospects in a case of self employed person, the Tribunal assessed total compensation to the tune of Rs.7,93,832/- after applying multiplier of 18 in view of ratio laid down in ***Smt. Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) PLR 22***. An amount of Rs.5,000/- was granted towards funeral expenses.

[4]. During course of arguments, learned counsel for the appellants could not refer to any evidence on record suggesting that the deceased was proprietor of any Chemist shop and was earning as per the pleaded case. There cannot be any denial to the fact that in the year 2011, minimum wage prevailing in District Karnal was Rs.4340/- per month. In view of ratio laid down in ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 SCC 1270***, increase in future prospects for a self employed person at the age of 25 years cannot be less than 40%. If the calculations are made in view of ratio laid down in ***National Insurance Company Limited Vs. Pranay Sethi and others case (supra)***, the claimants are entitled to enhancement of 40% towards future prospects besides increase in conventional heads as per the aforesaid case. Increase of

40% on the minimum wage i.e. Rs.4340/- would come out to be Rs.1736/- thereby making monthly income of the deceased to be Rs.6076/-. Keeping in view the composition of the family of the deceased, deduction to the tune of 1/3rd can be applied towards personal expenses of the deceased and the monthly dependency would come out to be Rs.4050/- per month i.e. Rs.48,600/- per annum. Keeping in view the age of the deceased and in view of ratio laid down in ***Smt. Sarla Verma's case (supra),*** multiplier of 18 can be applied and after applying the same, the compensation would come out to be Rs.8,74,800/- to which an amount of Rs.70,000/-can be added towards conventional heads in view of ratio laid down in ***National Insurance Company Limited Vs. Pranay Sethi and others case (supra).*** In this way, total amount of compensation would come out to be Rs.9,44,800/-. The Tribunal has already awarded an amount of Rs. Rs.7,93,832/-, therefore the said amount has to be deducted from the total compensation and after deducting the same, enhanced amount of compensation would come out to be Rs.1,50,968/- (9,44,800-7,93,832=1,50,968).

[5]. The enhanced amount of compensation i.e. Rs.1,50,968/- shall carry interest @ 7.5 % per annum from the date of filing of the claim petition till final realisation of the

amount.

[6]. With the aforesaid modification, the present appeal stands disposed of.

08.01.2019 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether reasoned/speaking **Yes/No**
Whether reportable **Yes/No**