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

FAO No. 5795 of 2015 (O&M)
Date of Decision: 08.01.2019

Angoori and others

-Appellants

Vs

Subedeen and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Nisha Puri, Advocate, for
Mr. Adarsh Jain, Advocate,
for the appellants.

Mr. Rajesh Bansal, Advocate,
for respondent No.3.

RAJ MOHAN SINGH, J. (ORAL)

Parents and wife of deceased have preferred this appeal against inadequacy of the amount of compensation awarded by Motor Accident Claims Tribunal, Palwal.

Neeraj died in a vehicular accident. He was conductor on a canter which was being driven by Indraj. The accident took place between the vehicles i.e. canter bearing No.HR-38-P-8146) belonging to Indraj and offending vehicle Hiwa No.HR-74-6795) driven by respondent No.1- Subedeen.

FIR was registered against respondent No.1. The Tribunal came to the conclusion under issue No.1 that the

accident took place due to rash and negligent driving of respondent No.1 and he was found to be sole author of the accident in question resulting in death of Neeraj. The Tribunal has assessed his income to be Rs.5000/- per month and on the basis of said assessment, the amount of compensation was calculated after applying future prospects and applying cut towards personal expenses of the deceased.

The total compensation of Rs.11,00,000/- was awarded by the Tribunal.

Learned counsel for the appellants submitted that as per minimum wage prevailing in the year 2014, the minimum wage was Rs.5547/-. So, the income of the deceased is taken to be Rs.5547/- per month.

Keeping in view the age of the deceased to be 22 years, future prospects to the tune of 40% would come out to be Rs.2218/- per month in view of **National Insurance Company Limited vs Pranay Sethi and others, 2018(1) Apex Court Judgments (SC) 183**. The total income would come out to be Rs.7770/- (approximately).

Keeping in view the composition of the family, 1/3rd of the amount has to be deducted towards personal expenses of the deceased. Monthly dependency of the family came to be Rs.5180/- per month i.e. Rs.62,160/- per annum.

In view of **Smt.Sarla Verma vs Delhi Transport Corporation, 2009(3) RCR (Civil) 77**, multiplier of 18 has to be applied and the total tally would come out to be Rs.11,18,800/-. An additional amount of Rs.70,000/- towards conventional heads would make the same as Rs.11,88,800/-.

Difference of the amount i.e. Rs.88,800/- would carry interest @ 7.5% per annum from the date of claim petition till final realization of the amount.

The liability to pay the enhanced amount shall remain the same as ordered by the Tribunal.

Disposed of.

08.01.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No