

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-7982-2014

Date of Decision: September 17, 2019

Fannu Khan @ Abdul and others

.....Appellants

Versus

Har Gyan and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Ravi Malik, Advocate for
Mr.Sanjeev Kr.Panwar, Advocate
for the appellants.

.....

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the appellants while praying of enhancement of the amount towards compensation granted by the Motor Accident Claims Tribunal, Faridabad, submitted that the deceased in the present case was only 17 years of age and, therefore, 18 multiplier should have been applied instead of 15. Secondly, the income should have been on the higher side, whereas only ₹4,500/- has been taken into consideration. Thirdly, ₹70,000/- should have been granted under the Conventional head instead of only ₹25,000/-.

No-one has put in appearance on behalf of the respondent-Insurance Company in spite of service. It was proceeded *ex parte* vide order dated 05.11.2015. The prayer for enhancement with respect to the income cannot be accepted. The deceased was a minor unemployed and as per the settled principle of law, the notional income equivalent to the minimum wages has to be taken into consideration. There is nothing to show that the

minimum wages, at that point of time. was more than ₹4,500/-, Therefore, no interference in the income is called for. However, there is merit in the argument that multiplier should have been 18 instead of 15 as also the compensation under the Conventional heads should be ₹70,000/- instead of only ₹25,000/-. At this stage, learned counsel for the appellants very fairly stated that the future prospects has been granted @ 50%, whereas it should be 40% in view of the settled proposition of law rendered in the judgment of Hon'ble Apex Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(16) SCC 680.

In view of the above, the following amount is calculated hereunder:

Head	Amount
Monthly Income	₹4500.00
Future prospects @ 40%	₹1800.00
Total Monthly income	₹6300.00
50% deduction as personal expenses	₹3150.00
Monthly dependency	₹3150.00
Annual Dependency	₹37800.00 (₹3150.00 x 12)
Multiplier	18
Loss of dependency	₹6,80,400.00 (₹37800.00 x 18)
Consortium	₹70,000.00
Total compensation	₹7,50,400.00
Compensation awarded by Tribunal	₹6,32,500
Difference in compensation	₹1,17,900.00

The enhanced amount of ₹1,17,900.00, as per the above calculation, be paid to the appellant-claimants alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held by the Tribunal within two months from the date of receipt of a certified

months from the date of receipt of a copy of this order, the same shall be deposited alongwith interest @ 12% from the expiry of the said two months.

Disposed of accordingly.

September 17, 2019
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(NIRMALJIT KAUR)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |