

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

240

Date of decision : 17.01.2019
FAO No.5808 of 2016 (O&M)
... Appellants

SARITA AND ANR

Versus

MANOJ KUMAR & ORS

... Respondents

FAO No.813 of 2017 (O&M)

MAHENDER SINGH

... Appellant

Versus

MANOJ KUMAR & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vijay Sangwan, Advocate for the appellants.
Mr. Rajbir Singh, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.5808 of 2016 and 813 of 2017 as these have emerged out of award dated 25.02.2016 passed by the Motor Accidents Claims Tribunal, Narnaul whereby compensation has been assessed on account of death of Jyoti and injuries sustained by Mahender Singh.

FAO No.5808 of 2016 has been filed seeking enhancement of compensation on account of death of Jyoti whereas the other appeal has been preferred by injured claimant Mahender Singh.

FAO No.5808 of 2016

CM No.19905-CII of 2016

Heard.

Allowed as prayed for. Delay of 56 days in filing the appeal stands condoned.

Main Case

The Tribunal has awarded compensation of Rs.3,61,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4000/-
2. Multiplier	14
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.3,36,000/-
5. Expenses on funeral	Rs.25,000/-

Sarita and Dharamveer Yadav, parents of Jyoti aged about 19

years preferred the claim. There is no evidence on record if the deceased was either working at a particular place/job or involved in self occupation which could be a source of earning for Jyoti. Taking a clue from notification issued by the State of Haryana fixing minimum wage, notional income of the deceased is assessed at Rs.5250/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. However, admissible multiplier is 18 in the light of judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. In this manner, loss of dependency is calculated at Rs.7,93,800/- $[(5250 \times 12 \times 18) + (40\% \text{ future prospects}) - (50\% \text{ deduction for personal expenses})]$.

Compensation allowed by the Tribunal under conventional heads is affirmed.

Total compensation is Rs.8,18,800/- and the additional amount is Rs.4,57,800/- (8,18,800 - 3,61,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

FAO No.813 of 2017

The Tribunal has awarded compensation of Rs.10,000/-.

I have gone through findings of the Tribunal recorded in para 21 of the award. The Tribunal has noticed that as per MLR of Mahender Singh, there were four injuries on his person. Counsel for the appellant would inform that the injuries were simple in nature. In the given scenario, there is no justification for allowing compensation over and above what has been assessed by the Tribunal.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

17.01.2019

ashok

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No