

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 7163 of 2016(O&M)

Date of Decision: May 14 , 2019.

The General Manager, UP State Road Transport Corporation

..... APPELLANT (s)

Versus

Ramwati and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. S.K.Vema, Advocate
for the appellant.

Mr. Ashish Gupta, Advocate
for respondents No.1 to 6.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed by the General Manager, UP State Road Transport Corporation challenging award dated 01.07.2016 passed by the learned Motor Accident Claims Tribunal, Palwal (for short, “the Tribunal”).

Brief facts necessary for the adjudication of the case are that, a petition under Section 166 of the Motor Vehicles Act, 1988 was filed by the claimants/respondents No.1 to 6 claiming compensation of ₹25,00,000/- on

account of death of Jagdish in a motor vehicle accident which took place on 15.05.2015 due to rash and negligent driving of offending bus bearing registration No.UP-85AH-9625 by its driver Narender Kumar. FIR No.272 dated 15.05.2015 under Sections 279/337/304 IPC, Police Station Sadar Palwal was registered in respect to the incident.

Learned Tribunal on consideration of the facts and evidence on record, while concluding that deceased – Jagdish lost his life in a motor vehicle accident which took place on 15.05.2015 due to the rash and negligent driving of bus No.UP-85AH-9625 by its driver-Narender Kumar, awarded a total sum of ₹7,80,500/- as compensation to the claimants vide impugned award dated 01.07.2016.

The deceased was 50 years old at the time of the accident. Learned Tribunal assessed income of the deceased as ₹5,000/- per month. Addition in income was afforded at the rate of 30% on account of future prospects. Deduction to the extent of 1/4th was effected on account of personal expenses and multiplier of 13 was applied. ₹10,000/- each was awarded on account of loss of consortium and transportation/funeral expenses. Aggrieved therefrom, present appeal has been filed by the owner of the offending bus.

Notice of motion was issued in this appeal, only on the question of grant of increment on account of future prospects for the deceased, who was self-employed.

Heard learned counsel for the parties and have gone through the file.

Learned Tribunal has afforded increment of 30% on account of future prospects. The deceased in this case was 50 years old. In terms of the

judgment of the Hon'ble Supreme Court in National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680, it is an increment of 10% which has to be afforded, but at the same time it is noticed that learned Tribunal while assessing income of the deceased has taken him to be a labourer and assessed his income as ₹5,000/- per month. Learned counsel for the appellant is unable to deny that the minimum wage for an unskilled labourer at the relevant time in the State of Haryana was ₹5,812/- per month. In case calculations are made, in accordance with the judgment of the Hon'ble Supreme Court in Pranay Sethi's case (supra), while taking income of the deceased to be ₹5,812/- per month, it is apparent that there is no substantial change in the total amount of compensation as awarded by the learned Tribunal. Learned counsel for the appellant is unable to deny the abovesaid. In this view of the matter, I do not deem it appropriate to interfere in this matter for the purpose of the marginal decrease.

No other argument has been raised.

Keeping in view the facts and circumstances of the case, the amount of compensation awarded vide the impugned award dated 01.07.2016 passed by the Motor Accident Claims Tribunal, Palwal is maintained.

Consequently, this appeal is dismissed with no order as to cost.

May 14, 2019.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No