In the High Court of Punjab and Haryana at Chandigarh

FAO-6859 of 2018(O&M)
Date of Decision: 23.5.2019

Sanjeev Kumar @ Sanjeev Raj and others

---Appellants

versus

Rohtash and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rishav Jain, Advocate
for the appellants

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Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Mamta Rani in a motor vehicular accident that took place on 5.9.2016.

The Motor Accidents Claims Tribunal, Hisar (in short "the Tribunal") has awarded Rs.27,52,000/-, detailed hereunder:-

Annual income of the deceased	Rs. 2,40,000/-
Addition in income for future prospects	25%
Deduction for personal expenses	1/3rd
Multiplier	13
Loss of dependency	Rs. 26,00,000/-
Loss of consortium to husband	Rs. 40,000/-
Funeral expenses	Rs. 15,000/-
Loss of estate	Rs. 15,000/-
Reimbursement of medical expenses	Rs. 81,800/-

Counsel for the appellants would argue that in the latest income tax return Ex. P8 for the assessment year 2016-17, gross income of the deceased is Rs. 2,68,976/- but the Tribunal has placed reliance upon the previous return for the assessment year 2015-16 Ex. P7 for computing loss of dependency. Another submission made by counsel is that though the Tribunal has allowed reimbursement of medical expenses to the tune of Rs. 81,800/- but since deceased remained hospitalized for a period of two days, claimants are entitle to compensation in respect of special diet, services of an attendant and transportation etc.

Be that as it may, the appellants produced income tax returns for the assessment years 2011-12, 2012-13, 2015-16, 2016-17 marked as Exs. P5 to P8 respectively. The last return was filed subsequent to death of Mamta Rani. In the given circumstances, the Tribunal has rightly relied upon the latest income tax return that was filed by the deceased herself i.e. for the assessment year 2015-16 Ex. P7.

Perusal of copy of the return Ex. P7, supplied during the course of hearing, would reveal that income from business or profession was Rs. 2,20,000/- and from other source to the tune of Rs. 26,903/- making total of Rs. 2,46,903/-. The benefit of income from other sources is not available for computing loss of dependency because that income would be available to family even after demise of Manta Rani. The Tribunal has still allowed loss of annual dependancy @ Rs. 2,40,000/- and thereby allowed additional amount of Rs. 20,000/- per year. Even if the claimants are entitle to some minimal amount with regard to attendant charges, transportation expenses for two days when the deceased remained admitted in the hospital, there is no scope for allowing additional compensation,

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay of 125 days in filing the appeal is of academic relevance.

(Rekha Mittal)
Judge

23.5.2019
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No