IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211 CM-5482-CII-2021 in/and FAO-4245-2001
Decided on : 17.08.2021

Manju Rani Sharma @ Manju Chander & others

... Appellants

Versus

Manoj Kumar & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. H.K. Aurora, Advocate for the applicant/appellants.

Mr. Suvir Dewan, Advocate
for respondent No.3-Insurance company.

(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

CM-5482-CII-2021

Keeping in view consent given by Mr. Dewan, counsel for the Insurance Company, the main appeal is taken on Board for disposal.

CM stands disposed of.

Main appeal

The present appeal is directed against the Award dated 16.08.2001 of the MACT, Hoshiarpur, whereby a sum of Rs.2,23,000/- had been awarded on account of the death of Mithilesh Chander Sharma, who was stated to be a scooter mechanic, in an accident which took place on 03.10.1998. However, the income had only been assessed @ Rs.1,800/- per month as the deceased was held to be just an ordinary labourer. The wife of the deceased also had appeared as PW-5 in support of the claim that he was working as a scooter mechanic.

The MACT had noticed that the deceased had rented a shop from Darbar Sahib, Muktsar for running a scooter repair shop. In such circumstances, this Court is of the opinion that the income assessed by the

MACT was on the lower side, whereas it should have been at least Rs.100/- per day to take the monthly income at Rs.3,000/-.

Resultantly, keeping in view the judgment passed in **National Insurance Co. Ltd. Vs. Pranay Sethi', 2017 (4) RCR (Civil) 1009,** future prospects of 40% is granted and thus, his annual income of Rs.36,000/- would now come to Rs.50,400-. A 1/3rd cut is liable to be put on account of dependency and annual dependency would work out to Rs.33,600/-. The appropriate amount after applying the multiplier of 17 and deducting the dependency, the amount would work out to Rs.5,71,200/-. The payment under the conventional head would be Rs.40,000/- each on account of consortium to both son and widow and loss of estate @ Rs.15,000/- and funeral expenses @ Rs.15,000/- taking the total compensation to Rs.6,81,200/-. Since, Rs.2,23,000/- has already been received by the claimants, additional amount of Rs.4,58,200/- plus interest @ 9% from the date of filing the claim petition i.e. 20.12.2000 till realization is liable to be paid.

In case, the Insurance Company wishes not to oppose the said enhancement, the amount be disbursed to the claimants by way of RTGS transfer in their bank accounts, in equal shares within a period of 8 weeks.

The appeal is, accordingly, disposed of in the above terms.

(G.S. SANDHAWALIA)
JUDGE

August 17, 2021
Naveen

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No