(2013) 07 P&H CK 0427

In the Punjab And Haryana At Chandigarh

Case No : FAO No. 4882 of 2010

Smt. Lakhwinder Kaur and Another APPELLANT

Vs

Subedar Major Surat Singh and Others RESPONDENT

Date of Decision : 17-07-2013

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2013) 07 P&H CK 0427

Hon'ble Judges : Vijender Singh Malik, J

Bench : Single Bench

Advocate : Vipin Mahajan, for the Appellant; R.K. Bishamboo, Advocate, for the Respondent

Judgement

Vijender Singh Malik, J.—This is an appeal brought by the claimants for enhancement of compensation. Sarup Singh died on account of the injuries he suffered in a road side accident that took place on 30.04.2004. His widow, minor son and widowed mother had brought claim petition u/s 166 of the Motor Vehicles Act, 1988. Learned Motor Accidents Claims Tribunal, Gurdaspur (for short ''the Tribunal'') allowed the claim petition and awarded a sum of Rs. 6,60,000/- as compensation in favour of the claimants with interest @ 6% per annum. The grievance of learned counsel for the appellants is that no addition has been made to the income of the deceased in the name of future prospects. According to him, even the multiplier applied by the Tribunal is also not correct. He has further submitted that Sarup Singh died at the age of 25 years. He was a Constable with Punjab Police. According to him, he would have risen further by way of promotion and would have got higher salary and addition in the name of future prospects was to be made in this case while assessing compensation.

2. Learned counsel for respondent no. 2, on the other hand, has submitted that the income of the deceased has been taken after deducting tax and it has been rightly taken. He has, however, admitted that the multiplier has not been correctly adopted by the Tribunal.

3. Lakhwinder Kaur, the widow of the deceased claimed that the deceased earned Rs. 8000/- per month as salary on the date of his death. However, as per the salary certificate produced by Arun Chander, AW-2, the salary was Rs. 6825/-. The compensation has been assessed by taking this amount as the income of the deceased. In my opinion, this amount does not take care of many other allowances. Though nothing has been brought to my notice by learned counsel for respondent no. 2 that the income of Rs. 8000/- would have invited liability of income tax even if it was there, the salary should have been taken at least at Rs. 7500/- per month.

4. The deceased had a permanent government job. He died at the age of 25 or 26 years. At least 50% increase should have been made to the income while assessing compensation. This is what is laid down in the decision of Hon''ble Supreme Court of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, . Taking 50% of the same as Rs. 3750/-, I find the income of the deceased at Rs. 11,250/-. Applying deductions of 1/3rd thereto, and multiplying the remainder with 12, I find a sum of Rs. 90,000/- as the annual dependency of the claimants. The multiplier suggested by Smt. Sarla Verma''s case supra in the case of death of a person in the age group of 26 to 30 is 17. Multiplying the annual dependency with 17, I find a sum of Rs. 15,30,000/- to be the amount lost by the claimants in the death of Sarup Singh. Adding to it, a sum of Rs. 12,000/- as assessed by the Tribunal for funeral expenses, loss of consortium etc., I find a sum of Rs. 15,42,000/- as compensation payable to the appellants and the proforma respondent. In this view of the matter, I accept the appeal and enhance the compensation from Rs. 6,60,000/- to Rs. 15,42,000/-. Out of this amount, 50% would go to the widow of the deceased and the remaining amount shall be shared in the ratio of 70:30 by Umrawalsher Singh and Smt. Mohinder Kaur respectively. This amount shall be payable to the claimants with interest as allowed by the Tribunal.

