
(2016) 03 P&H CK 0148
In the Punjab And Haryana At Chandigarh
Case No : F.A.O. No. 5827 of 2015 (O&M).

Smt. Mahendro @ Mahendro Devi

APPELLANT

Vs

Naresh Kumar and Others

RESPONDENT

Date of Decision : 02-03-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2017) ACJ 648 : (2016) 2 PLR 854

Hon'ble Judges : Darshan Singh, J.

Bench : Single Bench

Advocate : Sunil Kumar Nehra, Advocate for Sanjeev Kodan, Advocate, for the Appellant; Vinod Gupta, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Darshan Singh, J. - The present appeal has been preferred against the award dated 30.05.2015 passed by the learned Motor Accidents Claims Tribunal, Jhajjar (hereinafter called the "Tribunal"), whereby appellant claimant Smt. Mahendro alias Mahendro Devi has been awarded a compensation to the tune of Rs. 7,78,000/- along with interest at the rate of 6% per annum from the date of filing the claim petition till realisation on account of death of her son Amit in the motor vehicular accident, which took place on 04.05.2013.

2. Learned counsel for the appellant contended that deceased was a young man of 22 years of age. He was the student of Government Polytechnic College. Thus, he was doing the professional course. After completion of his course he could have been employed in the public as well as the private sector. The learned Tribunal has taken the income of the deceased only to the tune of Rs. 6,000/- per month, which is on the lower side. The income of the deceased should have been taken at least Rs. 20,000/- per month. To support his contentions, he relied upon case Ashvinbhai Jayantilal Modi v. Ramkaran Ramchandra Sharma and another, 2014(4) RCR (Civil) 543.

3. I have duly considered the aforesaid contentions.

4. This fact is not disputed that deceased Amit was a regular student of Government Polytechnic College, Jhajjar. So, he was doing the professional course. In these days of development, the technical professionals are in great demand. They can get good job in public as well as private sector and could get handsome salary. The learned Tribunal has taken the income of the deceased to be Rs. 6,000/- per month, which is on the lower side keeping in view the fact that deceased was pursuing the technical and professional course. The future income of the deceased can safely be taken to Rs. 8,000/- per month i.e. Rs. 96,000/- per annum. 50% of his income shall be deducted towards his living and personal expenses. The remainder comes to Rs. 48,000/-. The learned Tribunal has rightly applied the multiplier of 18 keeping in view the age of the deceased. So, the multiplicand comes to Rs. 8,64,000/-.

5. Learned Tribunal has awarded only Rs. 5,000/- towards loss of estate. A professional man having good job can save more money, so loss to estate is enhanced to Rs. 20,000/-. The learned Tribunal has already awarded Rs. 1,00,000/- on account of love and affection to the claimant and Rs. 25,000/- towards funeral expenses. The total amount of compensation comes to Rs. 10,09,000/-.

6. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced to Rs. 10,09,000/- from Rs. 7,78,000/- as awarded by the learned Tribunal. The claimant shall be entitled to interest @ 7.5% on the enhanced amount from the date of filing the petition till realisation. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.