



Saroj & ors.

..... Appellants

versus

Satpal & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Himanshu Joshi, Advocate
for the appellants.

Mr. V.Ramswaroop, Advocate
for the respondent No.3.

None for respondent No.7.

PANKAJ JAIN, J. (ORAL)

1 Claimants are before this Court questioning the assessment of compensation at the hands of Tribunal.

2 Claimants preferred claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of death of Jawahar Lal in a motor vehicular accident. The Tribunal has assessed the compensation taking the income of the deceased as Rs.10,000/- relying upon the minimum wages notified by the State.

3 Counsel for the appellants-claimants disputes the same. He submits that in view of the fact that income tax returns of the deceased were proved on record as Ex.P-25 to Ex.P-30 his income ought to have been assessed taking the same into consideration.



4 Having gone through the award passed by the Tribunal, this Court finds that the Tribunal has not even referred to the income tax returns while assessing the monthly income of the deceased.

5 In view thereof, the finding recorded by the Tribunal on issue No.2 *qua* annual income of the deceased needs to be modified. The same is assessed in terms of income tax returns for the assessment year 2018-2019 proved on record as Ex.P-30 filed on 17.08.2018 i.e. immediately before the date of accident. As per the same the annual income of the deceased has been mentioned as Rs.3,85,888/-. In terms of ratio of law laid down by Supreme Court in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 10% of future prospects need to be added. Deduction of 1/4th needs to be applied. Multiplier of 11 would be applicable and has been correctly applied by the Tribunal. Each of the claimants shall be entitled for Rs.48,000/- on account of loss of consortium. Rs.18,000/- for loss of estate and Rs.18,000/- for funeral expenses are also awarded.

6 Needless to say that the appellants shall be entitled to interest @7% per annum on the enhanced amount for the period commencing from date of filing of the application till the date of actual realization.

7 With the aforesaid modification the appeal is disposed off.

22.05.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No