

111-5

2025:PHHC:063789



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-4298-2017

Date of decision : 13.05.2025

DEEPTI KATYAL

....Appellant

Versus

JOG RAJ & ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Wazir Singh, Advocate for the appellant.

Mr. Sahej Mahajan, Advocate for respondent No.3.

PANKAJ JAIN, J. (ORAL)

Claimant is in appeal assailing the assessment of compensation awarded by the Tribunal on account of death of Kiran Sehgal, mother of the claimant.

3. Counsel for the appellant submits that despite the income of deceased Kiran Sehgal having been proved by documentary evidence Exhibit PW7/A i.e. Income Tax Returns for the year 2014-15 filed on 30.11.2014, Tribunal erred in assessing monthly income of deceased Kiran Sehgal by relying upon D.C. Rates. Admittedly and evidently Income Tax Returns were proved by examining PW7 Kulwant Singh official from the Income Tax Department. Income Tax Return was filed on 30.11.2014 prior to the date of accident.

4. In view of above, this Court finds that the Tribunal fell in error in ignoring the documentary evidence on record and assessing the income of the deceased on the basis of D.C. rates. As per document, Exhibit PW7/A, income of the deceased has been shown to be Rs.2,04,000/- per annum. Resultantly, the compensation payable to the claimant needs to be revisited and re-assessed.

5. As per the Income Tax Returns, income of the deceased is taken to be Rs.2,04,000/- per annum. As per MLR, the age of the deceased Kiran Sehgal, at the time of death was 54 years thus, 10% future prospects need to be added. Deduction of 1/3rd needs to be applied to calculate the dependency. Multiplier of 11 has been rightly awarded as per law laid down by the Apex Court in '**Smt. Sarla Verma & others vs. Delhi Transport Corporation & another**' (2009) 6 SCC 121. Claimant shall also be entitled for an amount of Rs.48,000/- under the head of loss of consortium. She is also awarded an amount of Rs.18,000/- for loss of estate and Rs.18,000/- for funeral expenses. Interest will abide by the order of the Tribunal.

6. Needless to say any amount already paid to the claimant/appellant, in execution of the award shall be set off.

7. With the aforesaid modification in the impugned award, the instant appeal is disposed off.

May 13, 2025

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No