



FAO-2158-2009 (O&M)

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

FAO-2158-2009(O&M)

Date of decision : 15.01.2025

Smt. Seema Srivastava & ors.

....Appellants

Versus

Jile Singh & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Anil Shukla, Advocate
for the appellants.

Mr. B.S.Tewatia, Advocate
for respondents No.1, 2 & 4.

Mr. Neeraj Khanna, Advocate
for respondent No.3-Ins. Co.,

PANKAJ JAIN, J.(ORAL)

1 Claimants are in appeal aggrieved of quantum of compensation awarded by Motor Accident Claims Tribunal, Faridabad on account of death of Praveen Kumar Srivastava who died in a motor vehicular accident on 11.05.2006. The controversy is only with respect to quantum.

2 Learned counsel for the appellants submits that the salary of deceased-Praveen Kumar Srivastava has been wrongly assessed at Rs.26,300/- per month despite the fact that his last drawn salary was proved on record to be Rs.39,000/- per month by way of salary statement (Ex.P-7). The deceased was working as Regional Manager (Sales) in M/s Precision Testing Machines Pvt. Ltd., New Delhi. He was paid incentive of



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Rs.2,50,000/- during the period 01.04.2005 to 31.03.2006. Increment of Rs.12,500/- given to the deceased in April 2005 has been wrongly discarded. He further submits that multiplier has been wrongly applied. Nothing has been paid for loss of consortium.

3 Having learned counsel for the parties and after carefully going through records of the case, this Court finds that increment as claimed by the claimants was admittedly awarded to the deceased with effect from April 2005 after accident. The same is thus liable to be ignored. However, at the same time it needs to be appreciated that if not Rs.12,500/- the deceased was still due for increment w.e.f April 2005. Keeping in view the job profile of the deceased applying guess work the monthly salary of the deceased is taken as Rs.30,000/-.

4 Keeping in view the number of dependents $1/4^{\text{th}}$ deduction needs to be applied. In view of ratio of law laid down in *Sarla Verma & ors. Vs. Delhi Transport Corporation & anr., 2009 ACJ 1298* and age of deceased i.e. 37 years at the time of death, the appropriate multiplier would be 15. 40% future prospects also need to be added. Nothing has been paid to the claimants under the head of loss of consortium. Each of them is held entitled to an amount of Rs.48,000/-. Rs.40,000/- have been rightly awarded under the conventional heads of funeral expenses and transportation. The same is maintained.

5 With the aforesaid modifications in the impugned award, the appeal is disposed off.



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6 Needless to say that the appellants shall be entitled for interest on the enhanced amount till the date of actual realization. Anything already paid to the claimants needs to be set off.

15.01.2025

Pooja Sharma-I

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No