IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2132 of 2002 (O&M)
Date of decision: 31.08.2015

Birmati and others

....Appellants

Versus

Raj Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. N.C. Kinra, Advocate
for the appellants.

Mr. S.P. Chahar, Advocate
for respondent No.1.

Respondents No.2 and 6 already proceeded
ex parte vide order dated 04.02.2015.

Mr. Surender Deswal, Advocate
for Mr. Narender Hooda, Advocate
for respondent No.3.

Mr. Manoj Chahal, Advocate
for respondents No.5 and 6.

Mr. Rahul Pathania, Advocate
for Mr. R.C. Kapoor, Advocate
and Mr. Neeraj Khanna, Advocate
for respondent No.7.

Mr. Vishwajit Bedi, Advocate
for respondent No.2.

K.C. PURI J. (Oral)

This is an appeal directed by the claimants against the award dated 12.02.2002 passed by Sh. R.S. Madan, Motor Accident Claims Tribunal, Rohtak, vide which the claim petition was partly accepted and a sum of Rs.2,30,400/- was allowed to the claimants.

Briefly stated, the claimants claimed compensation on account of death of Sat Narain in a motor vehicular accident which took place on 03.02.2001.

The learned Tribunal has taken the income of deceased as Rs.2,000/- per month and the yearly income has been taken as Rs.24,000/-. 1/3rd amount was deducted in respect of personal expenses. The monthly dependency was taken as Rs.1,200/- and the yearly dependency comes to Rs.14,400/-. The age of the deceased was 29 years and the multiplier of 16 was applied and in this manner, the amount of compensation was calculated as Rs.2,30,400/-.

The claimants have directed the present appeal for enhancement of compensation.

I have heard the learned counsel for the parties and have gone through the record of the case.

The amount of compensation require re-calculations in accordance with the latest authorities. So far as the income of the deceased is concerned, that has rightly been taken as Rs.2,000/- per month in the year 2001. However, in view of authority ***"Rajesh and others Vs. Rajbir Singh and others"*** reported in

2013(3) R.C.R. (Civil) 170, 50% amount has to be added in respect of future prospects. So, the income of the deceased is taken as Rs.3,000/- per month. The claimants are five in number and as such, the dependency of the claimants comes to Rs.2,250/- by deducting 1/4th amount in respect of personal expenses and the yearly dependency comes to Rs.27,000/-. The deceased was 29 years, so, in view of authority ***"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another"*** reported in **2009(3) R.C.R. (Civil) 77**, the multiplier applicable is 17. So, by applying that multiplier, the amount of compensation comes to Rs.4,59,000/-. Keeping in view the price index for the year 2001, Rs.15,000/- stands allowed in respect of expenses on last rites and transportation. Another sum of Rs.30,000/- stands allowed in respect of consortium and Rs.30,000/- stands allowed in respect of loss of love and affection to the minors. So, in this manner, the claimants are held entitled to claim Rs.5,34,000/-.

Out of the enhanced amount 50% amount shall be paid to the widow and the remaining amount shall be shared between the remaining claimants in equal share. In case, any of the claimant is still minor, then his/her share shall be deposited in the shape of FDRs in a nationalized bank, in such a manner that the minor will get maximum rate of interest. The minor is entitled to withdraw the said amount on attaining the age of majority without intervention of the Court. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. The liability to pay the enhanced amount shall be same as ordered by the Tribunal.

Appeal stands disposed of, accordingly.

A copy of this order be sent to the Tribunal for compliance.

(K.C. PURI)
JUDGE

31.08.2015
yakub