IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2000 of 2002 (O&M)
Date of Decision: February 21, 2015

Veena Rani and others

..Appellant(s)

Versus

Amit Rice Mills and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes

Present: Ms. Sonal Datta, Advocate with
Mr. V.M. Gupta, Advocate
for the appellants.

Mr. Ravinder Arora, Advocate
for respondent no.3-Insurance Company.

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<u>ANITA CHAUDHRY, J.</u>

1. This is the claimants' appeal seeking modification of the award dated 24.01.2002 passed by the Motor Accident Claims Tribunal (here-in-after referred to as the Tribunal).

2. Bachan Dass was a Process Server in the Civil Courts at Malerkotla, who died in a road side accident on 27.06.2000. His wife and children preferred a claim petition seeking compensation. The Tribunal took the income at Rs.6,486/- per month and made a deduction of 1/3rd and calculated the compensation by applying the multiplier of 10 and awarded compensation of Rs.5,20,000/-.

3. The submission on behalf of the counsel appearing for the appellants is that no addition towards future prospects had been made and the multiplier applicable was 14 instead of 10 and since there were four dependents, the deduction should have 1/4th. It was also submitted that the Tribunal had failed to award compensation for the non-pecuniary heads i.e. funeral expenses, loss of consortium and loss of love and affection for the children.

4. The submission on behalf of respondent no.3 insurance company was that the accident had taken place in the year 2000 and the compensation for general damages cannot be awarded in the same scale as per the decision of Hon'ble Supreme Court in ***Rajesh andothers Vs. Rajbir and others (2013) 9 SCC 54*** and proportionate cut should be made.

5. The Hon'ble Supreme Court in ***Santosh Devi Vs. National Insurance Co. Ltd. 2012(6) SCC 421*** followed the principle regarding addition to be made to the actual income of the deceased towards future prospects as given in case of salaried persons as per the decision of ***Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another 2009(6) SCC 121***.

6. The deceased was a Govt. employee and he was in the age group of 40 – 45 years and an addition of 30% of the annual income was required to be added while computing future prospects.

7. In *Rajesh Vs. Rajbir's* case (supra), the Hon'ble Supreme Court had allowed compensation also on he heads of loss of love and affection/guidance of the minor children. The deceased was 45 years old and the number of dependents were four, therefore, the multiplier applicable should have been 14 and the deduction should have been 1/4th.

8. Taking the salary at Rs.6,486/- per month and making an addition of 30%, the income would come to Rs.8,431/- per month. Deducting 1/4th as personal expenses, the amount available for the family would come to Rs.6,324/- per month. The compensation would thus be Rs.6,324/- X 12 X 14 = Rs.10,62,432/-. To this, a sum of Rs.7,500/- should be added as funeral expenses, a sum of Rs.25,000/- is added for loss of love and affection and a sum of Rs.25,000/- is added for loss of consortium; making the total to Rs.11,19,932/-.

9. The Tribunal had awarded Rs.5,20,000/-, which would be deducted and the remaining amount would be paid to the claimants in the same ratio as allowed by the Tribunal within two months, failing which they would be entitled to interest @ 6% from the date of filing of appeal till realization.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

February 21, 2015
sunil