IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO NO. 3504 OF 2002 (O&M)
DECIDED ON : 15.05.2015

Surinder Kaur and another
...Appellants

versus

Bhagwan Singh and another
...Respondents

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

Present : Mr. Amandeep Singh Saini, Advocate,
for the appellants.

Mr. Neeraj Khanna, Advocate,
for the respondents.

K. C. PURI, J. (ORAL)

This is an appeal directed by the widow- Surinder Kaur and son- Sukhwinder Singh for enhancement of compensation on account of death of Gurdip Singh in a motor vehicular accident.

The Tribunal vide Award dated 15.03.2002, partly accepted the claim petition and allowed a sum of ₹3,12,000/-. It was further observed that in case the amount is not paid within two months, the claimants shall be entitled to claim interest @ 9% per annum.

Learned counsel for the appellants has submitted that income of the deceased Gurdip Singh has been wrongly taken as

₹4000/- per month. However, he could not substantiate as to how the income of deceased was more than ₹4000/- per month.

The original file is stated to have burnt in the fire incident of this court. During the course of arguments, learned counsel for the appellant has produced the certificate in which it is mentioned that the deceased remained as Clerk from 1993 to 1999 but his salary is not mentioned in the said certificate. Otherwise also, the income of deceased as ₹4000/- in the year 1999, cannot be said to be on lower side as the same was assessed keeping in view the price index of the year 1999. So, the income as ₹4000/- per month has been rightly taken by the Tribunal.

The other argument raised by learned counsel for the appellants is that future prospects should have been given keeping in view the authority ***"Rajesh and others vs. Rajbir Singh and others" 2013 (3) RCR (Civil) 170***. It is further submitted that 15% should have been added in respect of future prospects. It is further submitted that multiplier applied by the Tribunal is on lower side. In view of authority ***"Sarla Verma and others vs. Delhi Transport Corporation and another" 2009 (3) RCR (Civil) 77***, the multiplier applicable in the age group of 51-55 is 11 and the Tribunal has applied the multiplier of 10. It is further contended that no amount in respect of last rites and transportation of the dead body, loss of love and affection and consortium has been granted.

Learned counsel for the respondents have supported the Award passed by the Tribunal. It is further contended that the matter regarding future prospects has been referred to the larger Bench of Hon'ble Apex Court in ***"National Insurance Company vs. Pushpa and others" SLP No. CC8058 of 2014.*** It is further contended that the amount of compensation has been rightly assessed by the Tribunal.

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

During the course of arguments, learned counsel for the appellants has relied upon two authorities i.e ***Rajesh and others' case (supra)*** and ***Sarla Verma and others' case (supra)***. Both these authorities have dealt with regard to grant of future prospects. In ***Sarla Verma and others' case (supra)***, it has been held that nothing should be given if the person is more than 50 years of age but in case where the person is in the age group of 40 to 50, 30% should be added as additional amount. However, in authority ***Rajesh and others' case (supra),*** it has been held that 15% should be added in respect of future prospects where the person is aged between 50-60 years. The authority ***Sarla Verma and others' case (supra),*** deals with government employees. The deceased is stated to be employed as Clerk with Central Bank of India. So, keeping in view ***Sarla Verma and others' case (supra),*** no amount in respect of future prospects can be allowed in the present case.

There are two dependents in the present case and as such, the dependency should be calculated after deducting 1/3rd in respect of personal expenses. So, by deducting 1/3rd in respect of personal expenses, the amount comes to ₹2666/- per month. The yearly dependency comes to ₹31,992/- say ₹32,000/-. The multiplier applicable at the age of 53, according to ***Sarla Verma and others' case (supra)***, is 11. So, by applying that multiplier, the amount of compensation comes to ₹3,52,000/-. Another sum of ₹15,000/- stands allowed in respect of expenses on last rites and transportation. The claimants are further held entitled to claim ₹35,000/- in respect of consortium. Another sum of ₹35,000/- stands allowed in respect of loss of love and affection. In this manner, the claimants are held entitled to claim ₹4,37,000/-. The Tribunal has allowed interest also. So, the enhanced amount shall carry interest @ 7.5% per annum from the date of filing the application till its realisation. The liability to pay the amount shall remain the same as ordered by the Tribunal. The amount already paid shall be adjusted towards the said amount.

Disposed of accordingly.

MAY 15, 2015 **(K. C. PURI)**
shalini **JUDGE**