THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 3019 of 2002
Date of decision : 09.01.2015

Vidya and others

......Appellants

Versus

Shyam Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Kulvir Narwal, Advocate
for the appellants

Mr. Lalit Garg, Advocate
for respondent No. 3 – National Insurance Company Ltd.

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ANITA CHAUDHRY, J.

This appeal is by the claimants seeking enhancement in the award dated 18.03.2002 passed by the Motor Accident Claims Tribunal, Rohtak. The Tribunal considered the income of the deceased at ₹ 3200/- but noted that the deceased was serving in Delhi and he was either commuting from his village Kharanti, Tehsil Meham or he had taken rented accommodation in Delhi and in that way would have been spending ₹ 1500/- per month on himself and the contribution to the family was found to be ₹ 1500/- and the annual dependency at ₹ 18,000/-. Applying the multiplier of 16 the compensation was calculated at ₹ 2,88,000/-. A sum of ₹ 2,000/-

was added as funeral expenses and ₹ 5,000/- was allowed as loss of consortium raising the total to ₹ 2,95,000/-.

The submission made on behalf of the appellant is that Ramesh was a supervisor in a private concern and the Tribunal had accepted the evidence as the appointment and the salary details had been proved and an increase of 50% should be given as per ***Rajesh and others vs. Rajbir Singh and others, 2013 (3) RCR(Civil) 170.*** It was urged that compensation should also be awarded for loss of love and affection, funeral expenses and on the head of loss of consortium as meager amount had been awarded.

The submission on the other hand is that the matter is under consideration with the Hon'ble Apex Court as to whether an addition towards future prospects should be made for all and the Hon'ble Apex Court in a recent judgment had allowed only 30% increase where the deceased was 26 years old and since the matter is under consideration with the Hon'ble Apex Court, the future increase should not be allowed. It was urged that the death had taken place in the year 1998 and that aspect should be taken into account.

In ***Smt. Savita vs. Bindar Singh and others (Civil Appeal No. 4001 of 2014)*** decided on 25.03.2014, the Apex Court was dealing with the case of death of 26 years old, the Apex Court had allowed notional income to be increased by 30%. Even otherwise the increase in the income from the date of death could not have increased by 50%. The salary increases gradually, therefore, I would allow an increase of 30%. Making the calculations after adding to the income of ₹ 3200/- there would be an addition of ₹ 960/- raising the total to be ₹ 4160/-. Making a deduction of 1/4th the income available for the family would be ₹ 3120/- and the annual contribution would come to ₹ 37,440/-. Applying the multiplier of 15 the compensation would come to ₹ 5,61,600/-. Considering the fact that death had taken place in 1998 ₹ 10,000/- is allowed towards loss of love and affection, ₹ 10,000/- is added for loss of consortium and ₹ 3000/- is added as funeral expenses making the total to be ₹ 5,84,600/-. The amount would be shared amongst the claimants in the same ratio as allowed by the Tribunal. The amount awarded by the Tribunal shall be deducted and the remaining amount shall be payable within two months failing which the claimants shall be entitled to interest @ 6% from the date of filing of the appeal till its realization.

09.01.2015 **(ANITA CHAUDHRY)**
reena **JUDGE**