

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

FAO No.912 of 2000

Date of decision: 05.05.2015

Sheela and others

....Appellants

Versus

Prem and another

....Respondents

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

Present: Mr. T.C. Dhanwal, Advocate
for the appellants.

None for respondents.

K.C. PURI J. (Oral)

This is an appeal directed by widow, two minor sons, one minor daughter and parents of deceased-Jeewana, who died in a motor vehicular accident.

The learned Tribunal after adjudication accepted the claim petition and allowed a sum of Rs.2,00,000/-. The age of the deceased was 25 years. His income has been taken as Rs.1,500/- per month. 1/3rd has been deducted in respect of personal expenses. The monthly dependency of the claimant has been assessed as Rs.1,000/- and the yearly dependency has been taken as Rs.12,000/-. The multiplier of 16 has been applied. So, the amount calculated was Rs.1,92,000/- (12,000 x 16). After considering the transportation and funeral expenses, the amount

was assessed to the tune of Rs.2,00,000/-. Respondent Nos.1 and 2 i.e. the driver and the owner, have been held liable to pay the compensation jointly and severally.

The claimants have directed this appeal for enhancement of compensation.

Learned counsel for the appellants has submitted that the income of the deceased has been taken on lower side, the deceased was earning Rs.10,000/- per month as per the testimony of claimant-Sheela.

I have considered the said submission but do not find any force in that submission.

The income has to be taken by keeping in view the year 1997, when the accident has taken place. So, the amount of Rs.1,500/- has to be taken as correct.

Learned counsel for the appellant has further submitted that no amount in respect of future prospects has been granted and the amount in respect of funeral expenses and transportation is on lower side. He has further contended that no amount in respect of loss of consortium, loss of love and affection has been granted. He has relied upon the authority "***Rajesh and others Vs. Rajbir Singh and others***" reported in 2013(3) R.C.R. (Civil) 170. He has further submitted that the multiplier applicable at the age of 25 years is 18. Learned counsel for the appellant has also submitted that the minor claimants have become major.

I have considered the said submission which carries weight and has to be accepted. The deceased was 25 years of age and as such, the claimants are entitled to claim the amount of compensation by adding 50% of the income in respect of future prospects in view of the authority Rajesh and others case (supra). So, by adding the amount of 50%, the amount comes to Rs.2,250/-. In this case, the claimants are six in number so, the dependency should have been calculated by deducting 1/4th in respect of personal expenses. The dependency of the claimants by deducting 1/4th in respect of personal expenses comes to Rs.1,687.5/- and the yearly dependency comes to Rs.20,250/- (1687.5 x 12). The multiplier applicable at the age of 25 years is 18. So, by applying the said multiplier, the amount of compensation comes to Rs.3,64,500/-. Another sum of Rs.10,000/- stands allowed in respect of funeral expenses and transportation. The claimants are also held entitled to claim Rs.25,000/- in respect of loss of love and affection. Another sum of Rs.25,000/- stands allowed on account of consortium. So, in this manner, the claimants are held entitled to claim Rs.4,24,500/- (3,64,500 + 10,000 + 25,000 + 25,000). The liability to pay the amount shall be that of respondents No.1 and 2. However, the claimants are also held entitled to claim interest on the enhanced amount @ 7.5% per annum from the date of application till payment. Out of the enhanced amount, Rs.,1,24,500/- shall be paid to the widow and

the remaining amount shall be paid to the remaining claimants in equal share.

Appeal stands disposed of, accordingly.

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

05.05.2015
yakub

(K.C. PURI)
JUDGE