IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2658 of 1999
Date of decision: 07.07.2015

Dropti and others ....Appellants

Versus

Sawaran Singh and others ....Respondents

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

Present: Mr. Vivek Suri, Advocate
for the appellants.

Mr. R.K. Bashamboo, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This is an appeal directed by Maya-widow, Kuldip, Jaspal, Balbir-minor and Dropti Devi-mother of the deceased-Gurcharan Singh, who died in a motor vehicular accident.

The learned Tribunal after adjudication partly accepted the claim petition and allowed a sum of Rs.2,00,000/-. The income of the deceased has been taken as Rs.1500/- per month. 1/3rd amount was deducted in respect of personal expenses. The dependency has been taken as Rs.1,000/- per month and the yearly dependency has been taken as Rs.12,000/-. The age of the deceased was 34 years and the multiplier of 16 was applied and as such, the amount of compensation was calculated as Rs.1,92,000/-.

The claimants were also held entitled to claim Rs.3,000/- in respect of funeral expenses. Rs.5,000/- was allowed to widow in respect of consortium and in this manner, the total amount of Rs.2,00,000/- was allowed.

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

Learned counsel for the appellant has submitted that future prospects has not been taken into account. It is also contended that the claimants are five in number and the deductions should have been 1/4th in respect of personal expenses in view of authority **"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another"** reported in **2009(3) R.C.R. (Civil) 77**. No dispute regarding multiplier has been raised, however it is submitted that the amount in respect of consortium and expenses on last rites are on lower side. It is further contended that no amount in respect of loss of love and affection has been granted.

In reply to the above submissions, learned counsel for the insurance company has submitted that future prospects cannot be allowed as deceased was not a permanent government employee.

I have considered the submissions made by learned counsel for both the parties and have gone through the record.

The income of the deceased has been taken as Rs.1,500/- per month in the year 1994 and no argument on this point has been advanced. So, the income of the deceased is taken as Rs.1,500/- per month. However, future prospects has not been taken into account, so in view of authority **"Munna Lal Jain and another vs Vipin Kumar Sharma and others"** in **Civil Appeal No.4497 of 2015** decided on **15.05.2015** and **"Rajesh and others Vs. Rajbir Singh and others"** reported in **2013(3) R.C.R. (Civil) 170**, future prospects to the extent of 50% has to be allowed as the deceased was 34 years. So, the amount of income is taken as Rs.2,250/- per month by adding 50% in respect of future prospects. The claimants are five in number, so, as per Sarla Verma's case (supra)1/4th amount has to be deducted in respect of personal expenses. So, the dependency of the claimants comes to Rs.1,687.5/- per month after deducting 1/4th amount in respect of personal expenses and the yearly dependency comes to Rs.20,250/-. No argument regarding multiplier has been addressed by the counsel for the parties as the multiplier applied by the Tribunal as 16 is strictly in consonance of authority Sarla Verma's case (supra). So, by applying that multiplier, the amount of compensation comes to Rs.3,24,000/-. The claimants are also entitled to claim Rs.10,000/- in respect of expenses on last rites and transportation of dead body. The widow is held entitled to claim Rs.25,000/- in respect of consortium. Some of the claimants are minor so, another sum of Rs.25,000/- stands allowed in respect of loss of love and affection. So, in this manner, the claimants are held entitled to claim Rs.3,84,000/-. Out of the enhanced amount Rs.1,00,000/- shall be paid to the widow and the remaining amount shall be shared by remaining claimants in equal share. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. The liability to pay the 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

07.07.2015
yakub