

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

FAO No. 2561 of 1998 (O&M)

Decided on: 15.7.2015.

Smt. Shakuntla Devi and others

... Appellants

Versus

Gurmeet Singh and others

... Respondents

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

Present : Mr. Bir Davinder Singh, Advocate for
Mr. K.S. Chahal, Advocate,
for the appellants.

Ms. Anamika Mehra, Advocate,
for the insurance company.

K.C.PURI.J.(ORAL)

This is an appeal directed by the claimants against the Award dated 7.8.1998 passed by Sh. D.S. Chhina, Presiding Officer, Motor Accident Claims Tribunal, Sangrur (for short “the Tribunal”) vide which the claim petition was allowed.

The deceased was working as Lineman in the Punjab State Electricity Board and his salary was Rs.6400/- per month. 1/3rd amount was deducted in respect of personal expenses and the multiplier of 16 was applied and in this manner, the amount of compensation calculated was Rs.8,35,000/-. However, only a sum of Rs.7 lacs was allowed along with interest @ 12% per annum.

The claimants have directed this appeal for enhancement. The deceased was 40 years old and was working as Lineman in PSEB. His proved salary on the record was Rs.6400/- per month. It has also come on record that pay was revised from 1.1.1996. Otherwise also, in view of

authorities Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009(6) SCC 121 and Rajesh and others vs. Rajbir Singh and others 2013 ACJ 1403, 30% amount has to be added in respect of future prospects. So, the amount of income after adding 30% comes to Rs.8320/-. The claimants are five in number so, the dependency has to be calculated by deducting 1/4th in respect of personal expenses so, the monthly dependency comes to Rs.6240/-. The yearly dependency comes to Rs.74,880/-. The deceased was 40 years old and as per Sarla Verma's case (supra), multiplier applicable at the age of 40 years is 15. So, by applying the multiplier of 15 the amount of compensation comes to Rs.11,23,200/-. Another sum of Rs.15,000/- stands allowed in respect of funeral expenses and transportation keeping in view the price index prevailing in the year 1997. A sum of Rs.30,000/- stands allowed to Shakuntla in respect of consortium. Three claimants were minor at the time of accident. Another sum of Rs.30,000/- stands allowed to the claimants on account of loss of love and affection and in this manner, the claimants are held entitled to claim total compensation of Rs.11,98,200/-.

The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. Out of the enhanced amount, Rs.2 lacs shall be paid to the widow and the remaining amount shall be paid to the remaining claimants in equal shares. The liability to pay the amount of compensation shall be the same as ordered by the Tribunal.

15.7.2015.
SN

(K.C.PURI)
JUDGE