

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

**FAO No.1762 of 2001 (O&M)
Date of Decision: July 14, 2015**

Sukhwinder Kaur and others

.... Appellants

vs.

Siri Ram Bus Service and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vinod K. Kataria, Advocate for the appellant.

Mr. Robin Dutt, Advocate for respondent No.1.

Mr. Sanjiv Pabbi, Advocate for respondent No.2.

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

The claimants-appellants have filed the present appeal against the Award dated 06.12.2000 passed by the Motor Accident Claims Tribunal, Faridkot (in short 'the Tribunal'), vide which on account of death of Surinder Singh, a truck driver, aged about 35 years, compensation to the tune of ₹2,68,800/- with interest @ 12% per annum from the date of filing of the claim petition till its realization, was awarded.

I have heard learned counsel for the parties and have also carefully gone through the case file.

In this case, the deceased was a truck driver of 35 years of age at the time of accident. The owner-cum-employer has stated

that he was paying ₹3,500/- per month to the deceased but he did not bring any record to support the same. Therefore, after considering the wages of a truck driver in the year 1998, the Tribunal assessed the income of the deceased @ ₹2,100/- per month.

I do not find any reason to differ with the said finding.

After deducting 1/3rd of the income, the dependancy of the claimants was calculated to ₹1,400/- per month. The multiplier of 16 was applied as per the age of the deceased and compensation was calculated accordingly.

Learned counsel for the appellant has argued that in this case, nothing has been awarded on account of future prospects, loss of love and affection, loss of consortium as well as on account of funeral expenses.

I am of the view that the compensation under these heads need to be granted.

Keeping in view the age of the deceased, 50% of the income is to be added on account of future prospects. Total comes to ₹3,150/-. After deducting 1/3rd i.e. ₹1,050/-, the dependancy of the claimants comes to ₹2,100/- per month. After applying the multiplier of 16, as per the age of the deceased, the total dependancy of the claimants is now calculated as ₹4,03,200/-. ₹50,000/- is allowed on account of loss of consortium to the wife and another sum of ₹50,000/- on account of loss of love and affection to the children of the deceased is also allowed. ₹25,000/- are also allowed on account of funeral expenses. The total compensation is recalculated @

₹5,28,200/- (rupees five lac twenty eight thousand two hundred only).

The enhanced amount of compensation shall be paid with interest @ 7.5% per annum from the date of filing of the claim petition till its realization. Appellant Nos.2 and 3, who were minor at the time of accident, must have become major now. The amount be disbursed in the same ratio as ordered to be passed by the Tribunal.

The present appeal is accordingly allowed to the abovesaid extent.

July 14, 2015
sarita

(KULDIP SINGH)
JUDGE