

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

FAO No.3053 of 2003 (O&M)

Date of Decision: 26.08.2015

Smt. Jasbir Kaur and others

....Appellants

Versus

Jaswinder Singh and others

....Respondents

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

Present: Mr. Tejinder Pal Singh, Advocate
for the appellants.

Mr. Abhishek Goyal, Advocate
for Mr. Pradeep Goyal, Advocate
for respondents No.1 and 2.

Mr. Amit Kundra, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This appeal has been directed by widow, two minor sons and mother of deceased-Tara Singh, claiming compensation to the tune of Rs.15,00,000/- on account of death of Tara Singh in a motor vehicular accident which took place on 17.11.2001.

The learned Tribunal after adjudication partly accepted the claim petition. The deceased was drawing the salary of Rs.7,694/- per month. 1/3rd amount was deducted in respect of personal expenses and the dependency was taken as Rs.5,130/- per

month and the yearly dependency was taken as Rs.61,560/-. The multiplier of 16 was applied and in this manner, the amount of compensation was calculated as Rs.9,84,960/- and by rounding off the said amount, the claimants were held entitled to claim Rs.9,86,000/-.

The present appeal has been filed by the claimants for enhancement of compensation.

I have heard the learned counsel for the parties and have gone through the record of the case.

The proved income of the deceased was Rs.7,694/- per month. As per finding of the Tribunal, the deceased was 37 years old. So, keeping in view the authority "***Rajesh and others Vs. Rajbir Singh and others***" reported in 2013(3) R.C.R. (Civil) 170, 50% amount has to be added in respect of future prospects. So, by adding 50% amount in respect of future prospects, the income of the deceased comes to Rs.11,541/- per month. The claimants are four in number and in view of authority "***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another***" reported in 2009(3) R.C.R. (Civil) 77, 1/4th amount has to be deducted in respect of personal expenses. So, by deducting 1/4th amount in respect of personal expenses, the dependency of the claimants comes to Rs.8,655.75/- per month and the yearly dependency comes to Rs.1,03,869/-. The multiplier applicable at the age of 37 years is 15 and by applying that multiplier, the amount of

compensation comes to Rs.15,58,035/-. Another sum of Rs.15,000/- stands allowed in respect of expenses on last rites and transportation. The claimant-widow is held entitled to claim Rs.30,000/- in respect of consortium and the children of the deceased are also held entitled to claim Rs.30,000/- in respect of loss of love and affection. So, in this manner, the claimants are held entitled to claim Rs.16,33,035/- say Rs.16,33,000/-.

Although, in the claim petition the amount claimed is Rs.15,00,000/-, but the Court has to allow the just compensation according to the rules. So, the claimants are held entitled to claim Rs.16,33,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. Out of the enhanced amount, 50% amount shall be paid to the widow and remaining amount shall be shared equally between the children of the deceased as his mother is stated to have been died. The minor children of the deceased must have become major, so, the amount be paid to the claimants as per their share. The liability to pay the enhanced 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.

26.08.2015

yakub

(K.C. PURI)
JUDGE