

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1140 of 2004
Date of Decision:- 13.07.2015

Swaranjit Kaur and others

.....Appellants

Versus

Manjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. Rishab Gupta, Advocate
for the appellants.

Mr. Suresh Goyal, Advocate
for respondent No.3-Insurance Company.

SHEKHER DHAWAN, J.

Present appeal is challenge to the Award dated 10.12.2003 whereby the Motor Accidents Claims Tribunal, Kurukshetra (hereinafter to be referred as 'The Tribunal') awarded compensation of ₹2,40,000/- on account of death of Karan Singh.

2. Relevant facts for the purpose of decision of the present appeal that on 09.12.2002, Karan Singh (since deceased) along with his brother had gone to village Berthala on their tractor bearing registration No.HR-07-0C-5531. They stopped the tractor on a vacant place and had

gone to bring the medicines. When Karan Singh was returning, meanwhile, respondent No.1 while driving Mohindra Jeep bearing No.HR-27-B-0045 in a rash and negligent manner came from G.T. Road Shahabad side and while coming to the wrong side, dashed the same against Karan Singh. As a result of that, Karan Singh fell down and sustained injuries and died while being taken to hospital. Respondents contested the claim petition on all accounts. 'The Tribunal' after considering the rival contentions, awarded compensation of ₹2,40,000/-. Being dissatisfied with the awarded amount, the appellants-claimants are in appeal before this Court.

3. Learned counsel for the appellants took the plea that 'The Tribunal' has taken the income of the deceased to be on lower side as the same has been taken to be ₹2100/- per month only. More so, 1/3rd amount has been deducted on account of self dependency although there were six claimants in this case. 'The Tribunal' has not taken into consideration the future prospects of earnings and no amount has been awarded on that account. Minimum amount on account of funeral expenses and loss of consortium has also not been awarded in this case. So, the amount of compensation be enhanced suitably.

4. While arguing on these points, learned counsel for respondent No.3-Insurance Company, took the plea that 'The Tribunal' has already awarded just compensation, keeping in view the income of the deceased. There is no contrary evidence regarding income. The appeal is without any merit and the same be dismissed.

5. Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that the income of the deceased has rightly been taken to be ₹2100/- per month and there is contrary evidence available on the file so as to set aside the findings of 'The Tribunal' regarding income of the deceased. As regards to deduction on account of self dependency, there were six claimants in this case and as per law laid down by Hon'ble Supreme Court in cases **Sarla Verma Vs. Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77** and **Rajesh and others Vs. Rajbir Singh and others, 2013 (3), RCR (Civil) 170**, 1/4th is to be deducted. 'The Tribunal' has also not awarded minimum amount of ₹25,000/- on account of funeral expenses and nothing has been awarded on account of loss of love and affections for three minor children of the deceased. Nothing has been awarded on account of consortium for the widow, as per law laid down by Hon'ble Supreme Court in **Sarla Verma's case (supra)**. Accordingly, the compensation is reassessed as under: -

Monthly income	₹2,100/-
Annual Loss of income	₹2,100 x 12 = ₹25,200/-
Applying multiplier of 14	₹25,200/- x 14 = ₹3,52,800/-
Less 1/4 th on account of self dependency	₹88,200/-
	₹3,52,800/- - ₹88,200/- = ₹2,64,600/-
Addition of 50% on account of loss of future prospects	₹2,64,600/- + ₹1,32,300/- = ₹3,96,900/-
Loss on account of love and affection for three minor children	₹3,00,000/-
Loss of consortium for widow	₹1,00,000/-
Funeral expenses	₹25,000/-
Total compensation	₹3,96,900/- + ₹3,00,000/- + ₹1,00,000/- + ₹25,000 = ₹8,21,900/-
Enhanced amount of compensation	₹8,21,900/- – ₹2,40,000/- = ₹5,81,900/-

6. The enhanced amount of compensation of ₹5,81,900/- shall be payable from the date of claim petition along with interest @ 7.5% per annum from the date of claim petition. Remaining conditions of disbursal of amount shall remain unaltered.

7. Accordingly, the present appeal is accepted partly.

July 13, 2015
naresh.k

(SHEKHER DHAWAN)
JUDGE