

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

**FAO NO. 5334 OF 2003(O&M)
DECIDED ON : 15.07.2015**

BOHTI DEVI AND ANOTHER

...Appellants

versus

HARPREET AND OTHERS

...Respondents

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

Present : None for the appellants.

Mr. Neeraj Khanna, Advocate,
for respondent No.3.

K. C. PURI, J. (ORAL)

This is an appeal directed by the widow and three children of deceased Som Nath, claiming compensation on account of death of Som Nath in a motor vehicular accident which took place on 24.11.2001.

The Tribunal, after adjudication, partly accepted the claim petition and awarded a sum of ₹70,000/- on account of death of Som Nath in a motor vehicular accident. The age of deceased was 61 years. The monthly income of deceased has been taken as ₹1500/- per month. After deducting 1/3rd in respect of personal expenses, the monthly dependency has been

calculated as ₹1000/- per month. The yearly dependency has been calculated as ₹12,000/- (1000 x 12). The multiplier of 5 has been applied by the Tribunal. In this manner, the amount comes to ₹60,000/-. Another sum of Rs.5000/- has been granted in respect of funeral expenses. Another sum of ₹5000/- has been allowed in respect of transportation of dead body. In this manner, a total sum of ₹70,000/- was allowed as compensation.

The claimants have directed this appeal for enhancement of compensation.

The income of deceased has been taken as ₹1500/- per month in the year 2001. However, the claimant-Bohti Devi in her examination-in-chief has stated that the age of her husband was 50 years whereas in her cross-examination, she has stated that age of Mohinder Singh-her elder son is 40/42 years. Mohinder Singh-elder son of the claimant Bohti Devi, while appearing in the witness box, has given his age as 32/33 years. No cross-examination regarding the age of Mohinder Singh has been conducted. Even in the post mortem report, the age of deceased Som Nath has been written as 45 years. So, the age of deceased can vary between 50-55 years as the elder son namely Mohinder Singh's age is 32-33 years.

So far as the income of deceased as ₹1500/- per month in the year 2001 is concerned, that does not call for interference. So, the income of deceased has been rightly taken as ₹1500/- per month. In view of authorities **"Rajesh and**

others v. Rajbir Singh and others” 2012 (2) Apex Court Judgments 245 (SC) and Civil Appeal No. 4497 of 2015 decided on 15.05.2015 titled as “Munna Lal Jain and another vs Vipin Kumar Sharma and others”, 15% amount has to be added in respect of future prospects in the age group of 50-60 years. In this manner, the income of deceased can be taken as ₹1725/- per month by adding 15% in respect of future prospects. The claimants are four in number. So, the dependency has to be calculated by deducting 1/4th in respect of personal expenses. So, after deducting 1/4th in respect of personal expenses, the dependency comes to ₹1293.75/- per month. The yearly dependency comes to ₹15,525/-. The multiplier applicable in the age group of 51-55 years is 11. So, by applying that multiplier, the amount of compensation comes to ₹1,70,775/-. Another sum of ₹10,000/- stands allowed in respect of expenses on last rites and transportation of dead body. The widow is held entitle to claim ₹25,000/- in respect of consortium, and another sum of Rs.25,000/- stands allowed in respect of loss of love and affection. In this manner, the claimants are held entitle to claim ₹2,30,775/- say ₹2,31,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till its payment. The liability to pay the amount shall remain the same as ordered by the Tribunal.

JULY 15, 2015
shalini

(K. C. PURI)
JUDGE