

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

**FAO NO. 4273 OF 2005 (O&M)
DECIDED ON : 24.04.2015**

Rajvinder Kaur and others

...Appellants

versus

Bimla Jain and another

...Respondents

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

Present : Mr. Y. S. Turka, Advocate,
for the appellants.

Mr. Sumit Sangwan, Advocate,
for respondent No.1.

Mr. Navin Kapur, Advocate,
for respondent No.2.

K. C. PURI, J. (ORAL)

This is an appeal directed by the widow, minor son and mother of deceased Kuldip Singh, who died in a motor vehicular accident.

The learned Tribunal, after adjudicating the claim of the parties, partly accepted the claim petition and allowed a sum of ₹3,35,000/-. The income of deceased has been taken as ₹2500/- per month. 1/3rd amount was deducted in respect of

personal expenses of the deceased. The dependency was taken as ₹20,000/- per annum. The deceased was aged about 26 years and the multiplier of 16 was applied. In this manner, a sum of ₹3,20,000/- (20,000 x 16) was awarded as compensation. Another sum of ₹10,000/- was awarded on account of love and affection and ₹5000/- was awarded on account of last rites. In this manner, a total sum of ₹3,35,000/- was awarded to the claimants.

Learned counsel for the appellants has submitted that the income of deceased was wrongly taken as ₹2500/- per month. The deceased was working as driver and as such, his income cannot be taken less than ₹10,000/- per month. He has further contended that 1/3rd amount has been wrongly deducted in respect of personal expenses.

I have considered the said submission but do not find any force in the same.

The income has to be taken into account keeping in view the price index of that year. The accident took place in the year 2001. The income of deceased as ₹2500/- per month as a driver, cannot be said to be on lower side. So, the income of deceased is rightly taken as ₹2500/- per month. The dependency is also rightly taken as 1/3rd as there are three claimants.

The other contention raised by learned counsel for the appellant is that future prospects have not been taken into account while deciding the claim petition and the multiplier

applicable at the age group of 26, as per authority "**Sarla Verma and others vs. Delhi Transport Corporation and anr.**" **2009 (3) RCR (Civil) 77**, is 17. It is further contended that no amount in respect of loss of consortium has been allowed. The amount granted in respect of funeral expenses and last rites is also on lower side.

Learned counsel for the respondents have supported the Award passed by the Tribunal.

I have heard learned counsel for the parties and have gone through the records carefully.

The age of deceased was 26 years and as per authority "**Rajesh and others v. Rajbir Singh and others**" **2012 (2) Apex Court Judgments 245 (SC)**, the future prospects to be taken in the age group of 26 is 50%. So, the income of deceased in this manner comes to ₹3750/- by adding 50% for future prospects. 1/3rd amount has to be deducted in respect of personal expenses as the claimants are three in number. So, the dependency comes to ₹2500/- per month. The yearly dependency comes to ₹30,000/- (2500 x 12). The multiplier applicable at the age of 26 is 17 as per **Sarla Verma's case (supra)**. So, the claimants are held entitled to ₹5,10,000/-. The claimants are further held entitled to claim ₹10,000/- in respect of funeral expenses, transportation of body etc. Another sum of ₹25,000/- stands allowed in respect of loss of consortium. Another sum of Rs.25,000/- stands allowed in

respect of love and affection. The amount in respect of loss of love and affection, consortium and funeral expenses has been granted keeping in view the price index of the year 2001 when the accident took place. In this manner, the claimants are held entitle to claim ₹5,70,000/- in all.

Learned counsel for the appellant has further submitted that the interest @ 6% per annum is also on lower side. So, the claimants are held entitled to claim interest @ 7.5% per annum on a sum of ₹5,70,000/- . Out of the said amount, the minor shall be entitled to ₹1,50,000/- and Gurmej Kaur- mother of the deceased shall be entitled to ₹1,00,000/- and the remaining amount shall be paid to Rajvinder Kaur-widow of the deceased. The amount already paid to the claimant shall be adjusted against the said amount. The share of the minor in the enhanced amount shall be kept in the shape of FDR in such a manner that the minor shall get maximum rate of interest. The claimant Rajvinder Kaur may withdraw the interest amount on the said FDR in case if she so desire for upbringing of the minor.

Disposed of accordingly.

APRIL 24, 2015
shalini

(K. C. PURI)
JUDGE