

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4314 of 2007 (O/M)
Date of decision : 13.3.2015

Kusum Lata and another Appellants

Versus

Jaswant Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Anurag Chopra, Advocate, for the appellants.
Mr. Vinod Gupta, Advocate, for respondent No. 5.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
- .- -.-

KULDIP SINGH, J. (ORAL)

In this case, Raj Singh Chauhan died in motor vehicle accident. The Motor Accident Claims Tribunal, Fast Track Court, Ambala, (in short 'the Tribunal') awarded a sum of Rs. 10.60 lacs to the claimants, break-up of which is given below :-

“(i)	Annual income	=	Rs. 79,992/-
(ii)	Multiplier of 13	=	Rs. 10,39,896/- (Rs. 10,40,000/- rounded up)
(iii)	Misc. expenses on transportation, funeral rites etc.	=	Rs. 20,000/-
	Total	=	Rs. 10,60,000/-”

The contention of the learned counsel for the appellants/claimants is that the Tribunal had come to the conclusion that the deceased was working in Muskat (Saudi Arabia) and that as per the bank account statements (Ex.PF and Ex.PG), he had deposited Rs. 1,44,339/- in the span of one year. The Tribunal took

this income into consideration and assessed the income of the deceased at Rs. 10,000/-. However, if the said income is divided by 12, the monthly income will come to Rs. 12,028/- and not Rs. 10,000/-. From the said amount, the 1/3rd as personal expenses are to be deducted, the dependency of the claimants comes to Rs. 9,588/- Therefore, the amount of compensation comes to Rs. $9,588 \times 10 \times 13 = 12,46,544/-$. The Tribunal awarded consolidated sum of Rs. 20,000/- for loss of consortium, loss of love and affection, last rites and ceremonies, which is also challenged by the learned counsel for the appellants.

In view of the established law, Rs. 1 lac on account of loss of consortium, Rs. 1 lac to the minor son for loss of love and affection, Rs. 25,000/- for last rites ceremonies are allowed, in place of consolidated sum of Rs. 20,000/-, awarded by the Tribunal. The total amount of compensation comes to Rs. 14,71,554/-. Hence, the amount of compensation awarded by the Tribunal stands enhanced accordingly. The enhanced compensation shall be paid with interest @ 7.5% per annum from the date of filing of the claim petition till the realization.

Accordingly, the present appeal is allowed.

(KULDIP SINGH)
JUDGE

13.3.2015
sjks