# IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**FAO No.519 of 2005**
**Date of decision: 14.07.2015**

Surjit Kaur and others ....Appellants

Versus

Kulwant Singh and others ....Respondents

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

**Present**: Mr. I.S. Saggu, Advocate
for the appellants.

Mr. Inderjit Sharma, Advocate
for Mr. D.K. Dogra, Advocate
for respondents No.3 and 4.

**K.C. PURI J. (Oral)**

This is an appeal directed by claimants against the award dated 02.09.2004, passed by Sh. D.R. Arora, Motor Accident Claims Tribunal, Ludhiana, vide which the claim petition was partly accepted and a sum of Rs.5,29,850/- was allowed.

The age of the deceased was 47 years. The yearly income of the deceased has been taken as Rs.52,000/- as per income-tax return. The dependency has been taken as Rs.34,690/- by deducting 1/3rd in respect of personal expenses. The multiplier of 15 has been applied and in this manner, the amount calculated was Rs.5,20,350/-. Another sum of Rs.2000/- was allowed in respect of funeral expenses, Rs.5,000/- was allowed in respect of consortium and Rs.2,500/- was allowed in respect of loss of estate.

The claimants i.e. mother, widow, two daughters and one minor son, have filed the present appeal for enhancement of compensation.

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

The amount of compensation has to be calculated by keeping in view the authority **"Rajesh and others vs. Rajbir Singh and others"** reported in **2013(3) R.C.R. (Civil) 170** and **"Munna Lal Jain and another vs Vipin Kumar Sharma and others"** in **Civil Appeal No.4497 of 2015** decided on **15.05.2015.** The yearly income of the deceased has been taken as Rs.52,000/- as per return, however learned counsel for the appellants has submitted that the income has been taken on lower side, but in the absence of any cogent evidence. So, I am of the view that income of the deceased has rightly been taken by learned Tribunal. The deceased was 47 years and as such, 30% amount has to be added in respect of future prospects as per Rajesh and others case (supra). So, the yearly income of the deceased comes to Rs.67,670/- by adding 30% amount. The claimants are five in number, so, the dependency has to be calculated by deducting 1/4th in respect of personal expenses in view of authority **"Smt. Sarla Verma and others vs Delhi Transport Corporation and another"** reported in **2009(3) R.C.R. (Civil) 77.** So, the yearly dependency of the claimants comes to Rs.50,700/-. As per Sarla Verma's case (supra) the multiplier applicable at the age of 47 is 13. So, by applying that multiplier the amount of compensation comes to Rs.6,59,100/-.

The amount of consortium, funeral expenses, etc. has to be allowed by keeping in view the price index for the year of 2002. So, a sum of Rs.10,000/- stands allowed in respect of funeral expenses and transportation of dead body. Another sum of Rs.50,000/- stands allowed in respect of consortium and Rs.50,000/- stands allowed in respect of loss of love and affection. So, in this manner, the claimants are held entitled to claim Rs.7,69,100/- say Rs.7,70,000/-. Out of the enhanced amount Rs.1,00,000/- shall be paid to the mother of the deceased and the remaining amount shall be paid to the remaining claimants in equal share. However, in case she is not alive then her share shall be paid to the other claimants in equal share. The claimants are also held entitled to claim interest @ 7.5% per annum on the whole amount including the enhanced amount. The liability to pay the 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.

**(K.C. PURI)**
**JUDGE**

**14.07.2015**
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