

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1031 of 2010

Date of Decision:- 06.08.2015

Parmila Rani and others

.....Appellants

Versus

Baljit 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: Ms. Mansi Bansal, Advocate
for Mr. Sunil Kumar Sharma, Advocate, for the appellants.

Mr. R.K. Bashamboo, Advocate
for respondent No.3-Insurance Company.

SHEKHER DHAWAN, J.

Prayer made in present appeal for enhancement of compensation on account of death of Ram Singh, who died in motor vehicle accident which took place on 01.06.2007.

2. Learned counsel for appellants took the plea that the Tribunal has not awarded any amount on account of enhancement of future earnings and loss of love and affection for minor daughter. Even, the minimum amount on account of funeral expenses has not been awarded, 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.**

3. 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 on the date of accident i.e. 01.06.2007. Claimants are not entitled any enhancement on account of enhanced future income, as he was not doing any regular job. So, the appeal be dismissed.

4. In view of the arguments addressed by learned counsel for both the parties, this Court is of the considered view that as per law laid down by Hon'ble Supreme Court in **Rajesh and others Vs. Rajbir Singh and others, case (supra)**, the appellants are certainly entitled to a sum of ₹1,00,000/- on account of consortium for the widow and a sum of ₹1,00,000/- on account of loss of love and affection for one minor daughter. Another sum of ₹25,000/- on account of funeral expenses. Appellants are also entitled to seek enhancement on account of future earnings, as deceased was of the age of 25 years and as per law laid down by Hon'ble Supreme Court in **Rajesh and others Vs. Rajbir Singh and others, case (supra)**. Accordingly, the compensation is reassessed as under: -

Monthly income	₹3,500/-
Annual Loss of income	₹3,500 x 12 = ₹42,000/-
Applying multiplier of 18	₹42,000/- x 18 = ₹7,56,000/-
Less 1/3 rd on account of self dependency	₹7,56,000/-
	₹7,56,000/- - ₹252,000/- = ₹5,04,000/-
Addition of 50% on account of loss of future prospects	₹5,04,000/- + ₹2,52,000/- = ₹7,56,000/-
Loss on account of love and affection for one minor daughter	₹1,00,000/-
Loss of consortium for widow	₹1,00,000/-
Funeral expenses	₹25,000/-
Total compensation	₹7,56,000/- + ₹1,00,000/- + ₹1,00,000/- + ₹25,000 = ₹9,81,000/-
Enhanced amount of compensation	₹9,81,000/- – ₹5,14,144/- = ₹4,66,856/-

5. The enhanced amount of compensation of ₹4,66,856/- 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.

6. Accordingly, the present appeal is accepted partly.

August 06, 2015
naresh.k

(SHEKHER DHAWAN)
JUDGE