

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

**FAO NO. 4431 OF 2011 (O&M)
DECIDED ON : 10.07.2015**

Rajinder Kaur and others

...Appellants

versus

Krishan Kumar and others

...Respondents

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

Present : Mr. Harminder Singh, Advocate,
for the appellants.

Mr. Aditya Kochar, Advocate for
Mr. Ashwani Talwar, Advocate,
for respondent No.4.

K. C. PURI, J. (ORAL)

This is an appeal directed by the widow and minor sons of deceased Sharanjit Singh claiming compensation on account of death of Sharanjit Singh in a motor vehicular accident on 22.03.2009.

The Tribunal, after adjudication, partly accepted the claim petition and awarded a sum of ₹5,40,000/- as compensation.

The income of deceased has been taken as ₹6000/- per month. The age of deceased has been taken as 51 years as his date of birth was 30.04.1958. 1/3rd amount has been deducted in respect of personal expenses. The multiplier of 11 has been applied. In this manner, a sum of ₹5,40,000/- has been allowed as compensation.

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

The argument advanced by learned counsel for the appellants is that the income of deceased should have been taken as ₹7300/- per month which cannot be accepted in the absence of any cogent evidence. The bald statement made by the claimant as well as owner of the tent house is not sufficient to prove that the income of deceased was ₹7300/- per month. So, the income of deceased has been rightly taken as ₹6000/- per month by the Tribunal. However, in view of authority "**Rajesh and others v. Rajbir Singh and others**" 2012 (2) Apex Court Judgments 245 (SC), 15% amount has to be added in respect of future prospects. So by adding 15% in the income of deceased, the amount comes to ₹6900/- per month. There are three claimants. So the deduction of 1/3rd has been rightly made by the Tribunal. After deducting 1/3rd in respect of personal expenses, the dependency comes to ₹4600/- per month. The yearly dependency comes to ₹55,200/-. The multiplier applicable at the age group of 51-55 years, as per authority "**Sarla Verma**

and others vs. Delhi Transport Corporation and anr.” 2009

(3) RCR (Civil) 77, is 11. So, by applying the multiplier of 11, the amount of compensation comes to ₹6,07,200/-. Another sum of ₹20,000/- stands allowed in respect of funeral expenses and last rites, keeping in view the price index of the year 2009 when the accident took place. Another sum of ₹75,000/- stands allowed to the widow in respect of consortium. The claimants are further held entitle to claim ₹50,000/- in respect of loss of love and affection. In this manner, a sum of ₹7,52,000/-. Out of the enhanced amount, a sum of ₹1,10,000/- shall be paid to the widow. The remaining amount shall be shared by the remaining claimants in equal shares. The enhanced amount shall also carry interest @ 7.5% per annum. The liability to pay the amount shall remain the same as ordered by the Tribunal.

JULY 10, 2015
shalini

(K. C. PURI)
JUDGE