

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

**FAO NO. 792 OF 2011 (O&M)
DECIDED ON : 03.09.2015**

Paramjit Singh

...Appellants

versus

Krishna Devi and others

...Respondents

AND

FAO NO. 1269 OF 2011 (O&M)

Krishna Devi and others

...Appellants

versus

Paramjit Singh and others

...Respondents

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

Present : None for the appellants in
FAO No. 792 of 2011.

Mr. Vikram Bali, Advocate,
for the appellants in
FAO No. 1269 of 2011.

Ms. Vandana Malhotra, Advocate,
for respondent-Insurance Company.

K. C. PURI, J. (ORAL)

Vide this common order, I intend to dispose of two appeals
bearing **FAO No. 792 of 2011** titled as "**Paramjit Singh vs.
Krishnda Devi and others**" and **FAO No. 1269 of 2011** titled as,
"Krishna Devi and others vs. Paramjit Singh and others", as the

same have arisen out of the common Award.

FAO No. 792 of 2011 has been filed by Paramjit Singh whereas FAO No. 1269 of 2011 has been filed by Krishna Devi and others against the Award dated 06.09.2010 passed by Shri S.K.Garg, Motor Accident Claims Tribunal, SAS Nagar, Mohali.

The case of the claimants as set forth before the Tribunal is that on 07.05.2008, Ram Pal (deceased) died in a motor vehicular accident.

The Tribunal, after adjudication, partly accepted the claim petition filed by the claimants Krishna Devi and others, and allowed a sum of ₹4,80,060/- as compensation to the claimants. All the respondents were jointly and severally held liable to pay the amount of compensation.

The Tribunal has taken the income of deceased as ₹4000/- per month. 1/3rd amount was deducted in respect of personal expenses. The monthly dependency was taken as ₹2667/- and the yearly dependency was taken as ₹32,004/-. The multiplier of 15 was applied. In this manner, the amount of compensation was calculated as ₹4,80,060/-.

FAO NO. 792 OF 2011

This appeal has been directed by the driver of the offending vehicle. The appellant is stated to have died. None has come present on his behalf. However, the liability to pay the amount of compensation has been held to be jointly and severally. The findings of the Tribunal does not call for interference.

Consequently, the appeal stands dismissed.

FAO NO. 1269 OF 2011

Krishna Devi-widow and minor children of deceased Ram Pal have directed this appeal for enhancement of compensation.

Learned counsel for the appellants has submitted that future prospects have not been considered. It is further submitted that the deduction should be 1/4th as the claimants are four in number. It is further contended that no amount in respect of consortium, loss of love and affection, expenses on last rites etc. has been allowed.

Learned counsel for the Insurance Company has supported the Award passed by the Tribunal and has contended that the matter regarding future prospects is pending before the larger Bench and as such the same should not be granted.

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

The Tribunal has taken the income of deceased as ₹4000/- per month. No challenge has been made to the same. So, the income of deceased is taken as ₹4000/- per month. However, the deceased was 40 years of age and according to authority "**Rajesh and others vs. Rajbir Singh and others**" 2012 (2) Apex Court Judgments 245 (SC), 30% amount has to be added in respect of future prospects. So, by adding 30% in respect of future prospects, the income of deceased comes to ₹5200/- per month. The claimants are four in number and as such, in view of "**Sarla Verma and others vs. Delhi Transport Corporation and another**" 2009 (3) RCR (Civil)

77, 1/4th amount has to be deducted in respect of personal expenses. In this manner, after deducting 1/4th in respect of personal expenses, the monthly dependency comes to ₹3900/-. The yearly dependency comes to ₹46,800/-. The Tribunal has rightly applied the multiplier of 15. So, by applying the multiplier of 15, the amount of compensation comes to ₹7,02,000/-. Another sum of ₹20,000/- stands allowed in respect of last rites and transportation of dead body. The widow is held entitle to claim ₹50,000/- in respect of consortium. The other claimants are held entitle to claim ₹50,000/- on account of loss of love and affection. In this manner, the claimants are held entitle to claim ₹8,22,000/- as compensation. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till its realisation. The liability to pay the amount shall remain the same as ordered by the Tribunal. The share of minor shall be deposited in the shape of FDR with a nationalised bank in such a manner that the minor shall get maximum rate of interest. The minor shall be at liberty to withdraw the said amount after attaining the age of majority and without the intervention of court.

Both the appeals stand disposed of in the manner discussed above.

SEPTEMBER 03, 2015
shalini

(K. C. PURI)
JUDGE