IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5124 of 2012
Date of decision: 10.07.2015

Gurwinder Kaur and others ….Appellants

Versus

Jaspal Singh and others ….Respondents

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

Present: Mr. R.K. Sharma, Advocate
for the appellants.

Mr. M.B. Jain, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This is an appeal directed by widow and two minor children of deceased-Ram Kumar, who died in a motor vehicular accident on 19.05.2010.

The learned Tribunal after adjudication partly accepted the claim petition and allowed a sum of Rs.5,96,000/-. The income of the deceased has been taken as Rs.4,500/- per month against the claimed amount of Rs.7,000/- per month. 1/3rd amount was deducted in respect of personal expenses. The age of the deceased has been taken as 35 years. The multiplier of 16 has been applied and in this manner, the amount calculated was Rs.5,76,000/-. Another sum of Rs.5,000/- was allowed in respect of last rites, Rs.10,000/- was allowed in respect of consortium, Rs.5,000/- was allowed towards loss of estate. So, in this manner, the amount of compensation comes to Rs.5,96,000/-.

I have considered the submissions made by learned counsel for both the parties and have gone through the record of the case.

So far as the income of the deceased as Rs.4,500/- per month in the year 2010 is concerned, that cannot be said to be on lower side. So, the income of the income of the deceased is taken as Rs.4,500/- per month.

At this stage, learned counsel for the insurance company has submitted that the deceased was not a permanent government employee nor was having fixed salary and the matter regarding future prospects is pending before the Larger Bench of Hon'ble Apex Court. So, the future prospects cannot be allowed.

However that contention is meritless in view of latest authority **"Munna Lal Jain and another vs Vipin Kumar Sharma and others"** in **Civil Appeal No.4497 of 2015 decided on 15.05.2015**, in which the Hon'ble Apex Court has held that future prospects has to be considered keeping in view the authority **"Rajesh and others vs. Rajbir Singh and others"** reported in **2013(3) R.C.R. (Civil) 170**. So, 50% amount has to be added in respect of future prospects in case the deceased was below 40 years. So, by adding 50% amount in respect of future prospects, the income of the deceased has been taken as Rs.6,750/- per month. The claimants are three in number, so 1/3rd amount has to be deducted in respect of personal expenses. So, the dependency comes to Rs.4,500/- per month after deducting 1/3rd in respect of personal expenses. The yearly dependency comes to Rs.54,000/- (6,750 x 12). The multiplier of 16 has rightly been applied by learned Tribunal by keeping in view the authority **"Smt. Sarla Verma and others vs Delhi Transport Corporation and another"** reported in **2009(3) R.C.R. (Civil) 77**. So, by applying that multiplier the amount of compensation comes to Rs.8,64,000/-. Another sum of Rs.25,000/- stands allowed in respect of expenses on last rites and transportation. Another sum of Rs.75,000/- stands allowed in respect of consortium and a sum of Rs.75,000/- stands allowed in respect of loss of love and affection by keeping in view the price index of the year 2010. So, the claimants are held entitled to claim Rs.10,39,000/-.

The liability to pay the enhanced amount shall be same as ordered by the Tribunal. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment.

Appeal stands disposed of, accordingly.

A copy of this order be sent to the Tribunal for compliance.

(K.C. PURI)
JUDGE

10.07.2015
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