

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

**FAO No. 6353 of 2012 (O&M)
Decided on : 20.07.2015**

Smt. Meena Devi and Another

...Appellants

Versus

Shri Bhagwan @ Chhote and Others

...Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present : Ms. Rajni Bala, Advocate for
Mr. Gurinder Pal Singh, Advocate
for the appellants.

None for the respondents.

SHEKHER DHAWAN, J. (ORAL)

Appellants-claimants sought enhancement of compensation awarded by Motor Accidents Claims Tribunal, Gurgaon (hereinafter to be referred as 'the Tribunal'), vide award dated 22.08.2012, whereby 'The Tribunal' awarded a sum of ₹ 5,25,700/- on account of death of Jai Bhagwan in a motor vehicular accident.

Jai Bhagwan (since deceased) died in a motor vehicular accident on 10.12.2010 leaving behind widow and three children as claimants.

Learned counsel for the appellants took a plea that the Tribunal has not awarded just compensation and completely ignored the fact that nothing was being awarded on account of future prospects of enhanced earnings though the age of deceased was 37 years. The Tribunal has taken the dependency as one-third though there are four claimants in the present case. Nothing has been awarded on account of loss of consortium for the widow. Only meager amount has been awarded on account of loss of consortium and nothing has been awarded on account of loss of love and

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affection for minor children. Meager amount has been awarded on account of funeral expenses. So, the amount of compensation be enhanced suitably.

Respondents were given notice, but none has put in appearance on behalf of the respondents No. 1 and 2 i.e. driver and owner of the offending vehicle, respectively.

Having considered the submissions made by learned counsel for the appellants and perusal of the record, this Court is of the considered view that the Tribunal has not awarded just compensation especially nothing has been awarded on account of future prospects of enhanced earnings though the age of deceased was 37 years. The Tribunal has awarded meager amount on account of loss of consortium and loss of love and affection and funeral expenses. The dependency has also been taken incorrectly as there were four claimants in this case and it should have been one-fourth as per the law laid down by Hon'ble Supreme Court in case **Sarla Verma and others Vs. Delhi Transport Corporation and another** **2009(3) RCR (Civil) 77**. Accordingly the amount of compensation is being re-assessed as under:-

	Amount (₹)
Monthly Income	4,214/-
Annual Income (₹ 4,214 X 12)	50,568/-
Less: 1/4 th on account of dependency	12,642/-

Total	37,926/-
Add 30% on account of future prospects	11,378/-

	49,304/-

Multiplier of 15 (₹ 49,304 X 15)	7,39,560/-
Loss of consortium for wife	1,00,000/-
Loss of love and affection for three minor children (₹ 1 lac each)	3,00,000/-
Funeral expenses	25,000/-

Total compensation	11,64,560/-
Less: Compensation already awarded	5,25,700/-

Total enhanced compensation	6,38,860/-

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The awarded amount is enhanced by ₹ 6,38,860/-. The said amount will be payable from the date of claim petition alongwith interest @ 7.5% per annum from the date of filing of the claim petition till its realization.

Resultantly, the present appeal accepted partly.

July 20, 2015
'dk kamra'

(SHEKHER DHAWAN)
JUDGE