IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO NO. 1056 OF 2013 (O&M)
DECIDED ON : 03.09.2015

Salindro Devi and others
...Appellants

versus

Pritam Singh and others
...Respondents

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

Present : Mr. Sagar Aggarwal, Advocate for
Mr. Ashit Malik, Advocate,
for the appellants.

Mr. B. S. Tanque, Advocate,
for respondent No.4.

K. C. PURI, J. (ORAL)

This is an appeal directed by the widow and minor children of deceased Subhash Chand, who died in a motor vehicular accident which took place on 21.03.2011.

The Tribunal has taken the income of deceased as ₹5400/- per month. The deceased was aged about 38 years. $1/4^{th}$ amount was deducted in respect of personal expenses. The annual dependency was calculated as ₹48,600/-. The multiplier of 15 was applied by the Tribunal. In this manner, a sum of

₹7,29,000/- was allowed as compensation. Another sum of ₹20,000/- was allowed in respect of consortium to wife, loss of love and affection to wife, minor children and parents, funeral expenses and loss of estate. In this manner, the claimants were held entitle to claim ₹7,49,000/- as compensation.

The claimants have now directed this appeal for enhancement of compensation.

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

So far as the income of deceased as ₹5400/- per month is concerned, in my view, it does not call for any interference. The deceased was stated to be a RMP doctor but he was not holding any licence in this regard. So, the income has been rightly taken as ₹5400/- per month. Since the deceased was 38 years of age and as such, 50% amount has to be added in respect of future prospects in view of authority ***"Rajesh and others v. Rajbir Singh and others" 2012 (2) Apex Court Judgments 245 (SC).*** So by adding 50%, the income of deceased comes to ₹8100/- per month. 1/4th amount has to be deducted in respect of personal expenses. In this manner, the monthly dependency comes to ₹6075/-. The yearly dependency comes to ₹72,900/- (6075 x 12). The multiplier of 15 has been rightly applied by the Tribunal. So, by applying the said multiplier, the amount of compensation comes to ₹10,93,500/- (72,900 x 15). Another sum of ₹20,000/- stands allowed in respect of expenses on last rites and transportation. The widow is held entitled to claim ₹75,000/- in respect of consortium. The remaining claimants are further held entitled to claim ₹75,000/- in respect of loss of love and affection. The above said amount has been allowed keeping in view the price index of the year 2011 in which the accident took place. In this manner, the claimants are held entitle to claim ₹12,63,500/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till its realisation. The enhanced amount shall be shared by all the claimants in the same ratio as ordered by the Tribunal. The liability to pay the amount shall remain the same as ordered by the Tribunal. The share of minors shall be deposited in the shape of FDR with nationalised bank in such a manner that the minor shall get maximum rate of interest. The minors shall be at liberty to withdraw the said amount after attaining the age of majority and without intervention of the court. However, in case the widow Salindro Devi so desires, she can withdraw the amount of interest on the said FDRs for proper upbringing of the minors.

The appeal stands disposed of accordingly.

SEPTEMBER 03, 2015 **(K. C. PURI)**
shalini **JUDGE**