

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.1393 of 2013 (O&M)

Date of decision: 04.08.2015

Smt.Parminder Kaur and others

..... Appellants

versus

Suresh Pal and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Aayush Gupta, Advocate for the appellants
Mr.Rohit Goswami, Advocate for
Mr.Vinod Chaudhary, Advocate for respondent No.3

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?*

Kuldip Singh, J. (Oral)

The claimants have filed this appeal against the award dated 13.12.2012, passed by the Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal'), whereby on account of death of Mohinder Singh, a compensation to the tune of Rs.10,66,566/- was allowed. The claimants are not satisfied with the quantum of compensation and pray for the enhancement of the same.

The brief facts of the case, necessary to be reproduced for the purpose of disposal of the appeal, are that on 8.8.2011, Mohinder Singh, aged about 41 years, while riding a motorcycle bearing registration No.HR-01-Z-7025 was hit by the offending car bearing registration No.CH-01-Q-5205. The injured was removed to the Government Medical College & Hospital, Sector 32, Chandigarh,

where he succumbed to the injuries three days later on i.e. 11.8.2011. An FIR in this regard was registered.

Before the Tribunal, the claimants produced salary certificate (Ex.P9) of the deceased, wherein his salary was mentioned as Rs.8466/- per month. However, the Tribunal considered the income as Rs.7000/- per month on the ground that in the claim petition, the salary of the deceased was mentioned as Rs.7000/- per month.

Learned counsel for the appellants has argued that salary, as per salary certificate, should have been taken into consideration. The contention is opposed on the ground that regarding the salary certificate, no witness from the employer was produced to show that said salary was being actually given. In the claim petition, the claimants had claimed the salary of the deceased as Rs.7000/- per month. Therefore, there is a possibility of producing a salary certificate showing higher income. I am of the view that since employer was not produced along with the record of the salary, therefore, salary, as claimed in the claim petition was rightly taken into consideration. The Tribunal has added 30% on account of future prospects and 1/3rd deduction was made for personal expenses. The multiplier of 14, as per age of the deceased was applied. There is nothing wrong with the same.

Learned counsel for the appellants has argued that the Tribunal allowed Rs.20,000/- for loss of consortium to the wife. Rs.10,000/- for loss of estate and Rs.10,000/- for funeral expenses which are on the lower side, whereas nothing has been awarded for

loss of love and affection to the children.

In view of the settled position of law, wife is entitled to Rs.one lac for loss of consortium. Accordingly, the same are allowed. Rs.one lac to the children for loss of love and affection are also allowed. In place of Rs.10,000/-, Rs.25,000/- for funeral expenses and in place of Rs.10,000/- for loss of estate, Rs.25,000/- are allowed. The amount of enhanced compensation comes to Rs.2,10,000/-. The same is ordered to be paid to the claimants along with interest @ 7.5% per annum from the date of filing of claim petition till its realization. Out of the enhanced compensation, Rs.one lac shall exclusively go to the widow of the deceased and Rs.one lac shall exclusively go to the children of the deceased in equal share. The remaining amount shall be equally shared by the claimants.

The claim petition is allowed to aforementioned extent.

04.08.2015*gk***(Kuldip Singh)
Judge**