IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2065 of 2013 (O&M)
Date of Decision:05.10.2015

Sunita Rani

….Appellant

Versus

Amarjit Singh and another

….Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Pankaj Katia, Advocate for the appellant.

Mr. Lalit Garg, Advocate for respondent No.2-Oriental Insurance Company Ltd.

NAVITA SINGH, J.

1. The Motor Accidents Claims Tribunal, SAS Nagar, Mohali (Tribunal for short) passed an award of Rs.6,16,600/- in favour of the appellant, who was widow of Suresh Chand, and had claimed compensation for the death of her husband in a road accident which took place on 24.8.2011. The appellant has claimed enhancement.

2. Counsel for the appellant argued that nothing was awarded towards future prospects though the deceased was proved to be working with TDS Management Consultant Private Ltd., Mohali and his salary was Rs.4700/- per month. Counsel for the Insurance Company opposed the request stating that the deceased was not in government job. The word used in Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another 2009 ACJ 1298 is not `government' service but it is `permanent' job. Though the deceased was working with a private company, it was not expected that he would give up the job and sit at home for no reason and rather if he would have given up his job in one private company, he would have looked for better salary elsewhere, as he was only 35 years old. Therefore, it can practically be said that he was having a permanent

job. Future prospects to the extent of 50% are, therefore, to be added. The income, thus, would be Rs.7050/-, say Rs.7000/- per month.

3. For calculating the compensation on the basis of income, the argument advanced by counsel for the Insurance Company is also acceptable that widow of Suresh Chand, being the only dependent and claimant, deduction for personal expenses should have been made to the tune of 50% and not to 1/3rd as made by the Tribunal. This point is fairly and gracefully conceded by counsel for the appellant. The income on the basis of which compensation is to be awarded for dependency of the widow would, therefore, be Rs.3500/- and the compensation would come to Rs.6,72,000/-.

4. Counsel for the appellant then argued that an amount of Rs.5000/- was given for last rites and an equal amount as loss of consortium to the widow. Enhancement is called for under these heads as well. The funeral and last rites expenses are enhanced to Rs.25,000/- and for loss of consortium to Rs.1,00,000/-. The total amount of compensation is, therefore, enhanced by Rs.1,85,400/-. Enhanced amount shall bear interest @ 6% per annum.

5. The appeal is partly allowed in the above terms.

(NAVITA SINGH)
JUDGE

05.10.2015
Ishwar

Whether to be referred to reporter: Yes