

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

FAO-2687-2013
(MACT case No.152 dated 9.8.2012)
Date of decision: 24.8.2015

Simran and others

...Appellants

Versus

Pritam Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.PK Kataria, Advocate for the claimants-appellants

Mr.Arun Sharma, Advocate for
Mr.TK Joshi, Advocate
for respondent No.3-Insurance Company

SNEH PRASHAR, J.

The present appeal has been filed by the claimants-appellants, seeking enhancement of the compensation amount awarded by learned Motor Accident Claims Tribunal, Jind (for short 'the Tribunal'), vide award dated 18.12.2012, on account of the death of Harish Chopra in a road side accident.

The submissions made by learned counsel for the parties have been heard and record perused.

Learned counsel for the appellants raised two fold arguments (i) no amount has been awarded towards future prospects, loss of consortium, funeral expenses and loss of love and

affection to the children and mother and (ii) dependency of 2/3rd assessed is on the lower side in view of the law laid down by Hon'ble Supreme Court in **Smt. Sarla Verma and others vs. DTC and another 2009(3) RCR (Civil) 77.**

On the other hand, the learned counsel for the respondent- Insurance Company resisted the prayer made by the claimants-appellant and submitted that just and adequate compensation has been awarded.

Admittedly, Harish Chopra died due to the injuries suffered by him in a road side accident. He was 31 years of age. There being no substantial evidence on record, the income of the deceased assessed by learned Tribunal as Rs.5000/- is appropriate. He left behind wife, two children and old mother. Therefore, in view of the law laid down in Sarla Verma's case (supra), deduction towards personal expenses of the deceased has to be 1/4th. Perusal of the record shows that no amount has been awarded towards future prospects, loss of consortium, funeral expenses and loss of love and affection to the children and old mother. In view of **Rajesh and others vs. Rajbir Singh and others 2013 (9) SCC 54**, keeping in view the age of the deceased, addition of 50% of the income towards future prospects deserves to be allowed to the claimants-appellants.

Keeping in view the above facts and circumstances and in the interest of justice, the appellants are allowed compensation under the following heads:-

- | | | |
|----|--|-------------|
| 1. | Loss of consortium payable to wife | Rs.One lac |
| 2. | Funeral expenses | Rs.25,000/- |
| 3. | Loss of love and affection to the children | Rs.40,000/- |
| 4. | Loss of love and affection to the mother | Rs.20,000/- |

Accordingly, the total compensation comes to Rs.17,81,787/- i.e. Rs.5000 (monthly income) +50% (future prospects) - $\frac{1}{4}$ th (deduction towards personal expenses of the deceased) x 16 (multiplier) + Rs. 25,000 (funeral expenses) + Rs.40,000/- (towards loss of love and affection to the children) + Rs.20,000/- (loss of love and affection to the mother). The enhanced amount of Rs.8,91,562 /- (17,81,787- 6,40,000 already awarded by the Tribunal) shall be paid to the claimants-appellants within 45 days from the date of the receipt of the certified copy of this order, failing which, the same shall carry interest @ 7.5% per annum from the date of the filing of the present appeal, till its realisation.

Resultantly, the present appeal is partly allowed and the award is modified to the above extent.

24.8.2015
gsv

(SNEH PRASHAR)
JUDGE