

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

**FAO NO. 2991 OF 2013 (O&M)  
DECIDED ON : 13.08.2015**

**Nisha Devi and others**

**...Appellants**

**versus**

**Ashik Ali and others**

**...Respondents**

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

Present : Mr. Nipun Vashisht, Advocate,  
for the appellants.

Mr. D. K. Prajapati, Advocate for  
Mr. R. S. Madan, Advocate,  
for respondent No.3.

**K. C. PURI, J. (ORAL)**

**CM NO. 13371-CII OF 2013**

There is delay of 20 days in filing the appeal. The same stands condoned for the reasons mentioned in the application.

**MAIN CASE**

This is an appeal directed against the Award dated 21.01.2013 passed by Shri Vijay Singh, Motor Accident Claims Tribunal, Rewari, vide which the claim petition preferred by the claimants was partly accepted and a sum of ₹7,65,200/- was allowed as compensation along with interest @ 7% per annum.

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

Learned counsel for the appellants has submitted that income of the deceased as ₹4600/- per month is on lower side. However, in the absence of any record, the income has been rightly taken as ₹4600/- per month. However, the Tribunal has not taken into account the fact that the deceased was 23 years old and future prospects should have been taken into account, in view of authority **"Rajesh and others vs. Rajbir Singh and others" 2012 (2) Apex Court Judgments 245**. So, by adding 50% in respect of future prospects, the income of deceased is taken as ₹6900/- per month. The claimants are five in number. In view of authority **"Sarla Verma and others vs. Delhi Transport Corporation and another" 2009 (3) RCR (civil) 77**, 1/4<sup>th</sup> should be deducted in respect of personal expenses. So by deducting 1/4<sup>th</sup> in respect of personal expenses, the monthly dependency comes to ₹5175/-. The yearly dependency comes to ₹62,100/-. The multiplier applicable at the age of 23, according to **Sarla Verma and others' case (supra)**, is 18. So, by applying the said multiplier, the amount of compensation comes to ₹11,17,800/-. Another sum of ₹25,000/- stands allowed in respect of expenses on last rites. The widow is further held entitle to claim a sum of ₹1,00,000/- in respect of consortium. The three claimants are minor. They are also held entitle to claim ₹1,00,000/- in respect of loss of love and affection. In this manner, the claimants are held entitle to claim ₹13,42,800/- as compensation. The enhanced amount shall carry

interest @ 7.5% per annum from the date of application till its realisation. The amount already paid shall be adjusted towards the said amount. The liability to pay the amount shall remain the same as ordered by the Tribunal. The share of minors shall be kept in the shape of FDR in a nationalised bank in such a manner that they should get maximum rate of interest. The minors shall be entitled to withdraw the said amount after attaining the age of majority, without intervention of this court. However, in case the widow so desire, she can get the interest amount for upbringing of the minors.

With the above said modification, the appeal stands disposed of.

**AUGUST 13, 2015**  
shalini

**(K. C. PURI)**  
**JUDGE**