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

FAO No. 3345 of 2013 (O&M)
Decided on : 28.05.2015

Smt. Shammi and Others

...Appellants

Versus

Anil Sharma and Others

...Respondents

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

1. Whether Reporters of Local Newspapers may be allowed to see the judgment? YES
2. To be referred to the Reporters or not? YES
3. Whether the judgment should be reported in the Digest? YES

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Present : Mr. S.S. Sidhu, Advocate
for the appellants.

Mr. G.S. Bhandari, Advocate
for respondent Nos. 2.

Mr. Sandeep Suri, Advocate
for respondent No. 3.

K. C. PURI, J. (ORAL)

This is an appeal directed by widow, minor son and parents of the deceased-Bikkar Singh, who died in a motor vehicular accident, against the award dated 13.03.2013, passed by Shri Kanwaljit Singh, Motor Accident Claims Tribunal, Rupnagar, for enhancement of compensation.

Briefly stated, claimants including widow, minor son, mother and father of the deceased-Bikkar Singh, filed claim petition under Section 166 of the Motor Vehicles Act, claiming compensation on account of death of Shri Bikkar Singh in a motor vehicular accident. The said claim petition was partly accepted and a sum of ₹ 6,37,000/- was awarded alongwith interest @ 7.5% but on default @ 10% per annum.

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Learned counsel for the appellants has submitted that income of the deceased has been taken on lower side. The deceased was getting salary of ₹ 12,000/- per month and owner of JCB has been examined in this regard and as such, income of the deceased can be taken as ₹ 12,000/- per month.

I have considered the said submission, but do not find any force in the same.

The Tribunal has categorically held that there is no corroborative evidence and as such, the income of the deceased has rightly been taken by the Tribunal.

The other contention raised by learned counsel for the appellants is regarding grant of future prospects and deduction should be 1/4th as the claimants are four in number. It is also contended that amount in respect of loss of consortium and loss of love and affection are on lower side. It is further contended that future expenses is also on lower side. It is further contended that no amount in respect of loss of love and affection to the minor has been granted.

Learned counsel for respondent No. 3-Insurance Company has supported the award passed by the Tribunal and has submitted that amount granted by the Tribunal is adequate. It is further submitted that the matter regarding grant of future prospects is subjudiced before the larger bench of Hon'ble Apex Court in ***National Insurance Co. Ltd. Versus Pushpa and Other,*** in Special Leave to Appeal No. C-8058 of 2014.

I have considered the submissions made by both parties and gone through the record of the case.

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As discussed above, the income of the deceased has rightly been taken by the Tribunal as ₹ 4,500/- per month. The age of deceased was 26 years and as such, in view of authority ***"Rajesh and Others Versus Rajbir Singh and Others, 2013 ACJ 1403 and 2013(3) Recent Apex Judgments (R.A.J.) 659"***, future prospects has to be added to the extent of 50%. There is nothing on the record that the operation of the said judgment has been stayed by any competent Court. Otherwise also, this aspect of the case has been dealt by this Court in *FAO No. 3903 of 2012 (O&M), titled as Balbir Kaur and Others Versus State of Haryana and Others, decided on 15.01.2014* and **Rajesh and Others' case (supra)** has been followed. So, in these circumstances, the income of the deceased has to be taken as ₹ 6,750/- by adding 50% in respect of future prospects. The claimants are four in number, so in view of authority ***Sarla Verma and Others*** **(supra)**, the dependency has to be calculated by deducting 1/4th share in respect of personal expenses. So, the monthly dependency comes to ₹ 5062.50. The yearly dependency comes to ₹ 60,750/- (5062.50 x 12) The multiplier of 17 has rightly been applied by the Tribunal. So, by applying that multiplier, the amount of compensation comes to ₹ 10,32,750/-. The claimants are also held entitled to claim ₹ 25,000/- in respect of expenses on last rites and transportation etc. The claimant-widow is also held entitled to claim ₹ 1 lac regarding consortium. The claimants are also held entitled to claim ₹ 1 lac in respect of loss of love and affection. So, in this manner, the claimants are held entitled to claim ₹ 12, 57,750/- say ₹ 12,57,800/-. The enhanced amount shall carry interest at the rate of 7.5% per annum from the date of application till payment.

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Out of the enhanced amount, ₹ 3,25,800/- shall be paid to the claimant-widow. An amount of ₹ 1,50,000/- shall be paid to minor-Parminder Singh. The amount of the share of the minor-claimant No. 2 is ordered to be deposited in Fixed Deposit Receipt (FDR) in a nationalized bank in such a manner that the minor will get maximum rate of interest, till attaining the age of majority. However, the claimant No. 1-Smt. Shammi, can apply for interest on the said amount for education and maintenance for the minor. The remaining enhanced amount shall be shared by the claimant Nos. 3 and 4 in equal share.

The appeal stands disposed of.

May 28, 2015 **(K.C. PURI)**
'dk kamra' **JUDGE**