

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

FAO No. 1213 of 2015 (O&M)

Decided on: 16.7.2015.

Tej Kaur

... Appellant

Versus

Satgur Singh and others

... Respondents

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

Present : Mr. Kulwinder Singh, Advocate for
Mr. Rajbir Singh, Advocate,
for the appellant.

K.C.PURI.J.

This appeal has been directed by Tej Kaur widow against the the Award dated 20.8.2014 passed by Sh. Balbir Singh, Presiding Officer, Motor Accident Claims Tribunal, Sangrur for enhancement of compensation.

The case of the claimants set forth in the claim petition is that Karnail Singh husband of Tej Kaur died in a motor vehicular accident on 6.11.2012. The Tribunal after adjudication accepted the claim petition partly.

The claimant-appellant has preferred the present appeal for enhancement of the compensation. The case put up by the claimant is that the deceased was earning Rs.50,000/- per month by doing the agriculture and diary farming business. The deceased was 55 years but the Tribunal after adjudication has taken the income of the deceased as Rs.8000/- per month and age of the deceased has been

taken as 60 years. 1/3rd amount was deducted in respect of personal expenses. The dependency has been taken as Rs.64,000/- per annum. Keeping in view the age of deceased as 60 years, the multiplier of 9 has been applied and as such the amount of compensation was calculated as Rs.5,76,000/-. Another sum of Rs.25,000/- was allowed on account of funeral expenditure and Rs.1 lac was allowed to the widow on account of loss of consortium and in this manner, the amount granted was Rs.7, 01,000/-.

Learned counsel for the appellant has submitted that income of the deceased has been taken as Rs.8000/- per month which is on lower side. The deceased was having 4 acres of land. The age of the deceased was 55 years and no amount in respect of future prospects has been given. So, the amount is required to be enhanced.

I have carefully considered the said submissions but do not find any force in that submission.

As per copy of the post-mortem examination report, age of the deceased has been mentioned as 59-60 years so, the Tribunal has rightly taken the age of the deceased as 60 years. The Tribunal has stated that since the age of the deceased was 60 years and as such no future prospects could be taken into account. That finding does not call for any interference. The income of the deceased as Rs.8000/- per month cannot be said to be on lower side. The land shall be inherited by the claimants and only managerial loss is there. Deduction of 1/3rd in

respect of personal expenses has been rightly made as the widow is the

claimant. The dependency has been taken as Rs.64,000/- per annum.

The multiplier of 9 has been applied keeping in view the authority **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009(6) SCC 121**. An amount of Rs.25,000/- has been allowed on account of funeral expenses and Rs.1 lac has been allowed on account of consortium keeping in view the authority **Rajesh and others vs. Rajbir Singh and others 2013 ACJ 1403**. So, there is no scope for further enhancement of compensation and just compensation has been awarded to the claimants. Consequently, the appeal is without any merit and the same stands dismissed.

16.7.2015.
SN

(K.C.PURI)
JUDGE