

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

**FAO No.1985 of 2014
Date of decision: 06.07.2015**

Paramjit Kaur and others

....Appellants

Versus

Anoop Singh and others

....Respondents

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

Present: Mr. Arvind Kashyap, Advocate
for the appellants.

Mr. Gopal Mittal, Advocate
for Mr. Munish Goel, Advocate
for respondent No.4.

K.C. PURI J. (Oral)

This is an appeal directed by legal heirs of Arjun Singh, who died in a motor vehicular accident.

The learned Tribunal after adjudication has partly accepted the claim petition and allowed a sum of Rs.4,06,000/- as compensation. The age of the deceased was found to be 52 years. The income of the deceased has been taken as Rs.4,500/- per month and 1/3rd amount was deducted in respect of personal expenses. The dependency has been taken as Rs.3,000/- per month. The yearly dependency has been taken as Rs.36,000/-. The multiplier of 11 was applied. Another sum of Rs.10,000/- was

allowed on account of expenses on last rites.

Learned counsel for the appellant has submitted that future prospects has not been taken into account, so, in view of authority “**Rajesh and others Vs. Rajbir Singh and others**” reported in **2013(3) R.C.R. (Civil) 170**, 15% amount should have been added in respect of future prospects. It is further contended that the income has been taken on lower side and no amount in respect of consortium has been allowed. It is also contended that Rs.10,000/- in respect of last rites and the deduction of 1/3rd amount in respect of personal expenses are on lower side.

On the other hand, learned counsel for insurance company has supported the award and has submitted that deduction has been rightly assessed as the widow is the only dependent whereas, the other claimants are married son and daughter. It is further contended that the deceased was 52 years of age and as such, no amount in respect of future prospects can be given.

I have given my thoughtful consideration to the rival submissions made by learned counsel for the parties and have gone through the record.

The first point which required determination is whether the income of the deceased taken as Rs.4,500/- is correct or it required any interference.

The occurrence in this case has taken place on

19.12.2009 and as such, the income of the deceased has been rightly taken as Rs.4,500/- per month.

So far as the argument advanced by learned counsel for the appellant that 1/3rd amount should not have been deducted in respect of personal expenses is concerned, that argument is also devoid of any force as most of the claimants are major.

However, regarding future prospects the authority of Hon'ble Apex Court i.e. **“Rajesh and others Vs. Rajbir Singh and others”** reported in **2013(3) R.C.R. (Civil) 170**, has to be taken into account. So, 15% amount has to be added at the age of 52 years regarding future prospects as per that ruling. So, the income of the deceased comes to Rs.5,175/- by adding 15% in respect of future prospects. By deducting 1/3rd in respect of personal expenses the dependency comes to Rs.3,450/- and the yearly dependency comes to Rs.41,400/-. The multiplier of 11 has been rightly applied by the Tribunal by keeping in view the authority **“Smt. Sarla Verma and others vs. Delhi Transport Corporation and another”** reported in **2009(3) R.C.R. (Civil) 77**. So, by applying that multiplier the amount of compensation comes to Rs.4,55,400/- (41400 x 11). The claimants are also held entitled to claim Rs.20,000/- in respect of expenses on last rites and transportation. The widow is held entitled to claim Rs.75,000/- in respect of consortium by keeping in view the price index of the year 2009, another sum of Rs.50,000/- stands allowed in respect of

loss of love and affection. So, in this manner, the claimants are held entitled to claim Rs.6,00,400/- say Rs.6,00,500/-.

The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. Keeping in view the fact that the mother of the deceased has already died and other claimants are major children of the deceased, the whole of the amount shall be paid to the widow. The liability to pay the amount shall be same as ordered by the Tribunal.

Appeal stands disposed of, accordingly.

A copy of this order be sent to the Tribunal for compliance.

06.07.2015
yakub

(K.C. PURI)
JUDGE