IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO NO. 364 OF 2013 (O&M)
DECIDED ON : 08.05.2015

Gurmeet Kaur and others
...Appellants

versus

Sukhminder Singh and others
...Respondents

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

Present : Mr. Naveen Sharma Advocate.

K. C. PURI, J. (ORAL)

CM NO. 2242-CII OF 2013

There is delay of 501 days in filing the appeal. The same stands condoned on the grounds mentioned in the application.

MAIN CASE

Gurmeet Kaur-widow, Amanpreet Kaur-minor daughter, Gurpreet Singh-minor daughter, Harpreet Singh-minor son have directed this appeal against the award dated 29.03.2011 passed by Mr.G.B.S. Dhillon, Motor Accident Claims Tribunal (Adhoc), Fast Track Court, Ropar, vide which the claim petition preferred by the claimants seeking compensation on account of death of Bhag Singh in a motor vehicular accident was accepted and a sum of ₹4,10,000/- was allowed in favour of the claimants.

The age of deceased was 38 years. The income of deceased has been taken as ₹3000/- per month against the claimed income of ₹7000/- (i.e ₹4000/- from salary and ₹3000/- from the business of dairy farming). 1/4th amount was deducted in respect of personal expenses and the multiplier of 15 was applied by the Tribunal. In this manner, a sum of ₹4,05,000/- was granted as compensation. Another sum of ₹5000/- was granted in respect of funeral expenses and as such, a total sum of ₹4,10,000/- was allowed as compensation along with interest @ 6% per annum from the date of filing the claim petition till its realization. Now, the present appeal has been preferred for enhancement of compensation.

The income of the deceased has been taken as ₹3000/- per month. He was stated to be working as driver of a bus in Punjab Roadways on contract basis.

Learned counsel for the appellants has submitted that the income has been taken on lower side. The claimants have stated that the deceased was earning ₹4000/- as salary and ₹3000/- from the business of dairy farming. So, his income should have been taken as ₹7000/- per month.

I have considered the said submission and the same carries weight and has to be accepted.

The amount of ₹3000/- per month as salary of driver of Punjab Roadway bus is on lower side. So, the income of deceased is taken as ₹4000/- per month.

Learned counsel for the appellants has submitted that no amount has been granted in respect of consortium, loss of love and affection and future prospects. It is further submitted that the amount in respect of funeral expenses is also on lower side. To support this contention, he has relied upon authority ***"Rajesh and others v. Rajbir Singh and others" 2012 (2) Apex Court Judgments 245 (SC).***

I have considered the said submissions and find force in the same.

The income of deceased is now taken as Rs.4000/- per month. The deceased was 38 years of age. So, in view of ***Rajesh and others' case (supra),*** future prospects to the extent of 50% have to be taken into consideration. So, the income of deceased is taken as ₹6000/- per month by adding 50% in respect of future prospects. In this case, the claimants are six in number. So, the dependency has been rightly calculated by deducting $1/4^{th}$ of income in respect of personal expenses of the deceased by the Tribunal. The amount comes to Rs.4500/- per month after deducting $1/4^{th}$ in respect of personal expenses. The yearly dependency comes to ₹54,000/- (4500 x 12). The deceased was aged about 38 years and as such, the multiplier of

15 has been rightly applied by the Tribunal. So, by applying the multiplier of 15, the amount comes to ₹8,10,000/-. Another sum of ₹15,000/- stands allowed in respect of last rites and transportation. The claimant-widow is also entitled to claim ₹50,000/- in respect of loss of consortium. The claimants are also held entitled to ₹50,000/- in respect of loss of love and affection. In this manner, the amount of compensation comes to ₹9,25,000/-. The claimants are also held entitled to claim interest @ 7.5% per annum from the date of application till its realization. The amount already paid shall be adjusted towards the said amount. Out of the enhanced amount, a sum of ₹2,15,000/- shall be paid to the widow and the remaining amount shall be shared by the remaining claimants in equal share. The share of minor shall be deposited in the shape of FDR in a nationalized Bank in such a manner that the minor will get the maximum rate of interest. The claimants who are minor, are entitle to draw their amount after attaining the age of majority. The liability to pay the amount shall remain the same as ordered by the Tribunal.

Disposed of.

MAY 08, 2015 **(K. C. PURI)**
shalini **JUDGE**