

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.2323 of 2014 (O&M)

Date of decision: 14.07.2015

Smt. Omwati and others

..... Appellants

versus

Bijender and others

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Ashok Kaushik, Advocate for the appellants
Mr. Bhagwan Singh Tewatia, Advocate
for respondent Nos. 1 and 2
Mr. Suvir Dewan, Advocate for respondent No. 3

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

Kuldip Singh, J. (Oral)

Learned counsel for the appellants states that he is only pressing the appeal on the limited ground. Therefore, lower Court record is not required.

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

In this case, Dalbir Singh, aged about 56 years died in a motor vehicular accident. The Tribunal assessed the income of the deceased @ Rs.5000/- per month and applied the multiplier of 9 and calculated the compensation of Rs.3,59,964/-. Rs.10,000/- for funeral expenses and Rs.10,000/- for loss of consortium were also allowed. Total compensation of Rs.3,79,964/- was allowed along with

interest @ 6% per annum from the date of filing of claim petition till realization.

Learned counsel for the appellants has argued that future prospects have not been added. Nothing has been awarded on account of loss of consortium to the widow and that the expenses for funeral are on the lower side. The contention has merits. Keeping in view the age of the deceased, 15% income is to be added as future prospects which comes to Rs.750/- and after deducting 1/3rd as personal expenses the income on account of future prospects comes to Rs.500/-. Additional compensation for future prospects comes to Rs.500 x 12 x 9 = Rs.54,000/-. Additional sum of Rs.90,000/- is also allowed to the widow for loss of consortium to make up the total of Rs.1 lac under said head. For the funeral expenses additional sum of Rs.15,000/- in addition to Rs.10,000/- already allowed is also allowed. The total enhanced compensation comes to Rs.1,59,000/-. The Tribunal has awarded interest @ 6% per annum only, which is also required to be increased.

Therefore, appeal is allowed. Additional compensation of Rs.1,59,000/- is also awarded to the appellants in terms of the award of the Tribunal. However, the rate of interest payable on the entire compensation shall be 7.5% per annum in place of 6% per annum.

14.07.2015
gk

(Kuldip Singh)
Judge