IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4083 of 2013 (O/M)
Date of decision : 27.4.2015

Smt. Bimla ..... Appellant

Versus

Amandeep Singh and others ...... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sudhir Aggarwal, Advocate, for the appellant.

Mr. Manmohan, Advocate, for,
Mr. Suman Jain, Advocate, for respondent No. 3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

This is appellant's/claimant's appeal against award dated 23.3.2013, passed by Motor Accident Claims Tribunal, Gurgaon (in short 'the Tribunal'),

In this case, one Bhagwan son of Ami Chand died in a motor vehicular accident on 5.2.2012. He was an agriculturist and was 40 years of age at the time of his death. Claimants are the widow, sons and mother of the deceased.

The Tribunal assessed the income of the deceased at

Rs. 5,730/- per month i.e. Rs. 68,760/- per annum. 1/3rd i.e. Rs. 22,920/- was deducted as personal expenses and the dependency of the claimants was calculated at Rs. 45,840/-. After adding future prospects @ 30% per annum, the total dependency was calculated at Rs. 59,592/- per annum. Multiplier of 13 was applied and compensation was calculated at Rs. 7,74,696/- rounded off to Rs. Rs. 7,75,000/-. In addition to this, following compensation under different heads was awarded :-

1.	Funeral expenses	:	Rs. 5,000/-
2.	Loss of estate	:	Rs. 10,000/-
3.	Loss of consortium to the widow	:	Rs. 10,000/-

The grouse of the learned counsel for the appellant is that in place of 1/3rd, 1/4th should have been deducted as personal expenses as the number of dependents is four. However, it is not disputed that two sons of the deceased were major and at least one of them is in Government service, whereas according to respondent, both are in Government service.

Keeping in view the fact that major sons were not solely dependent upon the deceased, 1/3rd as personal expenses were rightly deducted.

So far as the compensation under the other heads is concerned, same is well established by the different authorities pronounced by the Hon'ble Supreme Court. In view of the same, following compensation is awarded :-

			Awarded by this Court	Awarded by the MACT
1.	Funeral expenses	:	Rs. 25,000/-	Rs. 5,000/-
2.	Loss of estate	:	Rs. 25,000/-	Rs. 10,000/-
3.	Loss of consortium	:	Rs. 1,00,000/-	Rs. 10,000/-
4.	Loss of love and affection to major sons	:	Rs. 50,000/- (to be equally shared)	-
5.	Loss of love and affection to the mother	:	Rs. 50,000/-	-
	Total		Rs. 2,50,000/-	Rs. 25,000/-

In this way, the compensation is enhanced by Rs. 2,25,000/- (i.e. Rs. 2,50,000/- enhanced by this Court – Rs. 25,000/- already awarded by the Tribunal) and the total compensation comes to Rs. 10,25,000/-. The enhanced compensation shall be paid @ 7.5% per annum from the date of filing the claim petition till its realization.

(KULDIP SINGH)
JUDGE

27.4.2015
sjks