

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

**FAO No.4649 of 2013 (O&M)
Date of decision: 20.04.2015**

Parkasho and others

....Appellants

Versus

Jagdish and others

....Respondents

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

Present: Mr. Sandeep Kotla, Advocate
for the appellants.

Mr. Pavinder S. Bedi, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This is an appeal directed by widow and children of deceased-Dharambir against the award dated 06.05.2013, passed by Sh. Ajay Kumar Jain, Motor Accident Claims Tribunal, Hisar.

The learned Tribunal after adjudicating the case, has partly accepted the claim petition and has allowed a sum of Rs.7,10,000/-. The age of the deceased has been taken as 50 years. The income of the deceased has been taken as Rs.4,000/- per month. 30% increase has been given on account of future prospects. The multiplier of 13 has been applied and the amount calculated was Rs.6,05,000/-. Rs.65,000/- has been allowed in respect of medical treatment. Rs.20,000/- has also been granted on account of loss of consortium to the widow of deceased.

Rs.20,000/- has been granted on account of funeral expenses and in this manner a total sum of Rs.7,10,000/- has been awarded by the learned Tribunal.

This is an appeal for enhancement. The only point raised during the course of arguments is that the amount of Rs.20,000/- in respect of loss of consortium is on the lower side in view of the authority "***Rajesh and others vs. Rajbir Singh and others***" reported in **2013(3) R.C.R. (Civil) 170**. It is further submitted that no amount in respect of love and affection has been allowed.

On the other hand, learned counsel for the insurance company has submitted that no amount in respect of love and affection has been claimed in the petition itself. It is further submitted that 30% increase granted in respect of future prospects should have not been allowed, as the deceased was not in permanent job.

I have considered the submissions made by learned counsel for both the parties and have gone through the case file and record carefully.

So far as the point that whether future prospects should have been granted in view of the authority Rajesh and other's case (supra) is concerned, that is not *res integra*. This Court in "***Balbir Kaur and others Vs. State of Haryana and others***" in **FAO No.3903 of 2012**, decided on 15.01.2014, has approved the Rajesh

and others case (supra) and held that the future prospects has to be taken into account. The amount of Rs.20,000/- in respect of loss of consortium is not in consonance of the authority Rajesh and other's case (supra). So, a sum of Rs.80,000/- more stands allowed under the head of loss of consortium given to the widow of the deceased. Another sum of Rs.10,000/- stands allowed in respect of transportation of the body of the deceased. The claimants are major in this case, so, 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 for enhancement of Rs.1,40,000/- (Rs.80,000/- + Rs.10,000/- + Rs.50,000/-) as mentioned above. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. The liability to pay the amount shall be same as ordered by the learned Tribunal.

Appeal stands disposed of, accordingly.

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

20.04.2015

yakub

(K.C. PURI)
JUDGE