

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

FAO No. 4273 of 2014.

Decided on: 11.8.2015.

Smt. Sudesh Kumari and others

... Appellants

Versus

Ravinder Singh and others

... Respondents

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

Present : Ms. Amandeep Kaur, Advocate for
Mr. Ashwani Arora, Advocate,
for the appellants.

Mr. M.S. Longia, Advocate,
for respondents No.1 & 2.

Mr. Pardeep Goyal, Advocate,
for the insurance company.

K.C.PURI.J.(ORAL)

This is an appeal directed by the claimants against the Award dated 1.3.2014 passed by Mrs. Amarjot Bhatti, Motor Accident Claims Tribunal, Rupnagar vide which the claim petition was partly accepted and a sum of Rs. 13,92,000/- along with interest @ 9% per annum was allowed to the claimants.

Learned Tribunal has taken the income of the deceased as Rs.6000/- per month against the claimed income of Rs.10,000/-. 50% amount was added in respect of future prospects and the income was taken as Rs.9000/-. The yearly income was taken as Rs.1,08,000/-. The claimants were four in number so, 1/4th was

deducted in respect of personal expenses. The dependency was assessed as Rs.81,000/-. The deceased was 27 years old so, multiplier of 17 was applied and in this manner, compensation of Rs.13,77,000/- was assessed. A sum of Rs.10,000/- was allowed in respect of consortium and a sum of Rs.5000/- was allowed in respect of funeral expenses and in this manner, total compensation of Rs.13,92,000/- was awarded to the claimants.

The claimants have directed this appeal for enhancement.

Learned counsel for the appellants has submitted that income of the deceased was Rs.10,000/- per month which has been proved by PW-3 Man Singh. This Court is of the opinion that oral testimony of PW-3 Man Singh is not sufficient to prove the income of the deceased as Rs.10,000/- per month. So, the income of deceased has been rightly taken as Rs.6000/-. The amount calculated is strictly in accordance with law laid down in authorities **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009(6) SCC 121** and **Rajesh and others vs. Rajbir Singh and others 2013 ACJ 1403**. However, there is one grey area for interference. The amount of Rs.10,000/- granted in respect of consortium is on lower side. So, the claimants are held entitled to claim Rs.1 lac in respect of consortium. An amount of Rs. 25,000/- stands allowed in respect of expenses on last rites and transportation. Another sum of Rs. 1 lac stands allowed in

respect of loss of love and affection to the minor children and other claimants. So, in this manner, the claimants are held entitled to claim Rs.2,10,000/- more in addition to the amount already awarded by the Tribunal. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till realization. The whole amount shall be paid to the widow.

The appeal stands disposed of accordingly.

11.8.2015.
SN

(K.C.PURI)
JUDGE