234 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 4954 of 2013 (O&M).
Decided on: 17.7.2015.

Neeru Devi and others

... Appellants

Versus

Jasbir Singh and others

... Respondents

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

Present : Mr. Surinder Dagar, Advocate,
for the appellants.

Mr. Yogesh Goel, Advocate,
for respondent No.2.

Mr. Vinod Arya, Advocate and
Mr. Mukesh Kaushik, Advocate,
for respondent No.3.

K.C.PURI.J.(ORAL)

This is an appeal directed by widow, minor son and father of deceased Krishan who died in a motor vehicular accident on 16.5.2012.

The income of the deceased was taken as Rs.5000/- per month. 1/3rd amount was deducted in respect of personal expenses. The monthly dependency was calculated as Rs.3333.33. The yearly dependency was taken as Rs.39,996/-. By applying multiplier of 17 the amount of compensation was calculated as Rs.6,80,000/-. A sum of Rs.10,000/- was allowed in respect of consortium, another sum of Rs.5000/- was allowed to Neeru Devi for loss of estate and Rs.5000/- were allowed to the claimants on account of last rites and in this manner, total compensation of Rs.7 lacs was awarded to the claimants.

The claimants have directed this appeal for enhancement.

I have heard learned counsel for both the sides and have gone through the file.

So far as the income of Rs.5000/- per month is concerned, that does not call for any interference. So, the income of the deceased is taken as Rs.5000/- per month. However, there is a scope for enhancement by taking into account future prospects of the deceased. The deceased was 28 years and as such in view of authority **Rajesh and others vs. Rajbir Singh and others 2013 ACJ 1403** 50% amount has to be added in respect of future prospects so, the income of the deceased is taken as Rs.7500/- per month after adding 50% in respect of future prospects. There were three dependents and 1/3rd amount has to be deducted in respect of personal expenses. So, the dependency of the claimants comes to Rs.5000/- per month. The yearly dependency comes to Rs.60,000/-. Multiplier of 17 has been rightly applied by the Tribunal in view of authority **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009(6) SCC 121.** So by applying that multiplier, the amount of compensation comes to Rs.10,20,000/-. Another sum of Rs.20,000/- stands allowed in respect of expenses on last rites and transportation. The claimant widow is held entitled to claim Rs.1 lac in respect of consortium. One of the claimants is minor so, another sum of Rs.1 lac stands allowed in respect of loss of love and affection. In this manner, the claimants are held entitled to claim Rs.12,40,000/- in all.

The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. The liability to pay the enhanced amount shall be the same as ordered by the Tribunal.

Out of the enhanced amount, Rs.3 lacs shall be paid to the widow and the remaining amount shall be shared equally by two other claimants. The share of the minor shall be deposited in the shape of FDR in some nationalized bank in such a manner that he shall get maximum rate of interest. The amount shall be repaid to the minor after attaining the age of majority without the intervention of the Court. However, the widow, if she desires can get the interest for maintenance of the minor.

17.7.2015. **(K.C.PURI)**
SN **JUDGE**