IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO NO. 5508 OF 2013 (O&M)
DECIDED ON : 04.09.2015

Charanjit Kaur and others

...Appellants

versus

Bagesh Kumar and others

...Respondents

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

Present : Mr. Deepak Aggarwal, Advocate, for the appellants.

Mr. Deepak Malhotra, Advocate, for respondents.

<u>K. C. PURI, J. (ORAL)</u>

This is an appeal directed by the claimants against the Award dated 02.09.2013 passed by Shri Tejwinder Singh, Motor Accident Claims Tribunal, Bathinda, vide which the claim petition preferred by the claimants was partly accepted and a sum of ₹8,12,000/- was allowed as compensation.

The Tribunal has taken the income of deceased as ₹6000/- per month. $1/4^{th}$ amount was deducted in respect of personal expenses. The monthly dependency was calculated as ₹4500/- and the yearly dependency was calculated as ₹54,000/-. The age of deceased was 36 years and as such, the multiplier of 15 was applied. In this manner, the amount of compensation was calculated as ₹8,10,000/-. Another sum of ₹2000/- was allowed in respect of funeral expenses and last rites. In this manner, a sum of ₹8,12,000/- was awarded to the claimants. Now, the present appeal has been filed for enhancement of compensation.

Learned counsel for the appellants has submitted that Roor Chand, Manager of Mahashakti Energy Limited while appearing as CW-3, has deposed that the deceased was drawing the salary of ₹15,900/- per month.

Learned counsel for the respondent has supported the Award.

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

So far as reliance of the appellants on salary certificate is concerned, the Tribunal has rightly not relied upon the said certificate as no detail of salary has been given in the same. Otherwise also, no corresponding record to the salary certificate has been produced. The income of deceased is taken as ₹6000/- per month. However, the deceased was 36 years of age and future prospects should have been taken into account. In these circumstances, 50% amount stands added in respect of future prospects keeping in view the authority ***"Rajesh and others vs. Rajbir Singh and others" 2012 (2) Apex Court Judgments 245 (SC)***. In this manner, the income of deceased comes to ₹9000/- per month. The claimants are four in number. $1/4^{th}$ amount has to be deducted in respect of personal expenses. In this manner, the monthly dependency comes to ₹6750/-. The yearly dependency comes to ₹81000/- (6750 x 12). The multiplier of 15 has been rightly applied by the Tribunal as in view of authority ***"Sarla Verma and others vs. Delhi Transport Corporation and another" 2009 (3) RCR (Civil) 77***, the multiplier applicable at the age of 36 is 15. So, by applying the multiplier of 15, the amount of compensation comes to ₹12,15,000/-. Another sum of ₹25,000/- stands allowed in respect of last rites and transportation of dead body. The widow is held entitle to claim ₹1,00,000/- in respect of consortium. The other claimants are held entitle to claim ₹1,00,000/- on account of loss of love and affection. In this manner, the claimants are held entitle to claim ₹14,40,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till its realisation. The liability to pay the amount shall remain the same as ordered by the Tribunal. Out of the enhanced amount, 50% amount shall be paid to the widow and the remaining amount shall be shared by all the claimants in equal shares. The share of the minor shall be kept in the shape of FDR with a nationalised bank in such a manner that the minor should get maximum rate of interest. The minor shall be at liberty to withdraw the said amount after attaining the age of majority and without intervention of the court.

With the above said modification, the appeal stands disposed of.

SEPTEMBER 04, 2015 **(K. C. PURI)**
shalini **JUDGE**