

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

**FAO No.600 of 2013 (O&M)
Date of decision: 05.05.2015**

Sinder Pal Kaur and others

....Appellants

Versus

Gora Singh and others

....Respondents

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

Present: Mr. R.K. Rana, Advocate
for the appellants.

Mr. Parvez Chugh, Advocate
for respondent Nos.1 and 2.

Ms. Vandana Malhotra, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This is an appeal directed by widow, three minor children and parents of deceased-Bhan Singh @ Bhagwan Singh, against the award dated 08.11.2012, passed by Sh. Darbari Lal, Motor Accident Claims Tribunal, Ludhiana, for enhancement of compensation.

The learned Tribunal after adjudication partly accepted the claim petition and allowed a sum of Rs.9,99,210/-, out of which Rs.5,04,210/- were the actual medical expenses. So, the

amount calculated in respect of death of Bhan Singh @ Bhagwan Singh was Rs.4,15,000/- including Rs.5,000/- in respect of funeral expenses and Rs.5,000/- in respect of loss of consortium. The income of the deceased was taken as Rs.3,000/- per month. The age of the deceased was taken as 35-36 years and the multiplier of 15 was applied. The yearly dependency was taken as Rs.27,000/-. So, the amount calculated was Rs.4,05,000/-.

Learned counsel for the appellant has submitted that the income of the deceased has been taken on lower side. The deceased was a truck driver. However, no evidence in this regard has been produced on the file. So, the income has rightly been taken by the Tribunal as Rs.3,000/-.

The other contention raised by learned counsel for the appellant is that the amount granted in respect of consortium is on lower side. He has further submitted that no amount in respect of loss of love and affection has been given. He has also contended that the amount of Rs.5,000/- in respect of funeral expenses and transportation is on lower side. He has also contended that the appellant are six in number. So, in these circumstances, the deduction should be made to the extent of 1/5th. He has further submitted that the interest @ 6% granted is on lower side. It is also contended that the age of the deceased has been taken as 35 - 36 years. So, in view of the authority “*Smt. Sarla*

Verma and others vs. Delhi Transport Corporation and

another” reported in 2009(3) R.C.R. (Civil) 77, the multiplier of 16 be applied by taking the age of deceased as 35 years.

Learned counsel for respondents No.1 and 2 has submitted that the vehicle was fully insured and the insurance company has been held liable.

Learned counsel for the insurance company has supported the judgment of the Tribunal and has submitted that deduction has been rightly made. It has been further submitted that 1/4th has rightly been deducted in respect of personal expenses as per Sarla Verma's case (supra), so it is submitted that no ground for enhancement is made out.

I have considered the submissions made by learned counsel for the parties and have gone through the case file and record carefully with their able assistance.

Although, counsel for the appellant has not argued about the future prospects but, keeping in view the authority ***“Rajesh and others Vs. Rajbir Singh and others”*** reported in 2013(3) R.C.R. (Civil) 170, the claimants are entitled to claim compensation by adding 50% in respect of the income as the deceased was 35-36 years of age. So, by adding 50% in respect of future prospects, the income of the deceased comes to Rs.4500/- per month. There are six claimants in number and as per Sarla Verma's case (supra), the deduction in respect of personal expenses of deceased has to be taken to the extent of 1/4th share. So, by

applying that deduction, the monthly dependency comes to Rs.3375/-. The yearly dependency comes to Rs.40,500/-. The multiplier applicable in the age group of 36 to 40 is 15. So by applying that multiplier, the amount of compensation comes to Rs.6,07,500/-.

The amount in respect of funeral expenses, consortium and loss of love and affection, has to be assessed by keeping in view the price index of the year 2008 when the accident has taken place. So, the claimants are held entitled to claim Rs.10,000/- in respect of funeral expenses and transportation. In this case, the claimants are six in number, so a sum of Rs.50,000/- stands allowed in respect of loss of love and affection. Another sum of Rs.50,000/- stands allowed in respect of consortium. So, in this manner, the claimants are held entitled to claim Rs.7,17,500/- in respect of death of Bhan Singh @ Bhagwan Singh. The Tribunal has allowed a sum of Rs.5,04,210/- in respect of medical expenses. So, the claimants are entitled to claim Rs.12,21,710/- say Rs.12,22,000/- by rounding off. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. The amount already paid shall be adjusted against the said amount. Out of the enhanced amount, Rs.1,50,000/- shall be paid to the widow and the remaining amount shall be shared equally between the other claimants. 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.

05.05.2015

yakub

(K.C. PURI)
JUDGE