

**FAO No. 6246 of 2013 (O&M)
Decided on : 28.07.2015**

Amarjit Kaur and Others

...Appellants

Versus

Des Raj and Others

...Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of Local Newspapers may be allowed to see the judgment? YES
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? YES

Present : Mr. Kushagra Mahajan, Advocate
 for the appellants.

Mr. Sheery K. Singla, Advocate
for respondents No. 1 & 2.

Mr. Parveen K. Kataria, Advocate
for respondent No. 3.

SHEKHER DHAWAN, J. (ORAL)

Appellants-claimants sought enhancement of compensation awarded by Motor Accidents Claims Tribunal, Amritsar (hereinafter to be referred as 'the Tribunal'), vide award dated 05.09.2013, whereby 'The Tribunal' awarded a sum of ₹ 6,36,000/- on account of death of Mangal Singh in a motor vehicular accident.

Facts not disputed that Mangal Singh died in a motor vehicular accident on 24.03.2012 leaving behind widow and two sons as claimants.

Learned counsel for the appellants took the plea that 'The Tribunal' has not assessed just compensation as 'The Tribunal' ignored the fact that deceased was the age of fifty years and nothing has been awarded

on account of enhanced future earnings. Moreover, nothing has been awarded on account of loss of consortium for the widow. Minimum amount on account of funeral expenses has not been awarded by 'The Tribunal'. So, amount of compensation be enhanced suitably.

Learned counsel for the respondents took the plea that 'The Tribunal' has already awarded just compensation. So, the appeal be dismissed.

Having considered the submissions made by learned counsel for the appellants and perusal of the record, this Court is of the considered view that 'The Tribunal' has not awarded just compensation especially nothing has been awarded on account of future prospects of enhanced earnings though the age of deceased was 50 years. As per law laid down by Hon'ble Supreme Court in case **Santosh Versus National Insurance Company Ltd. (2012) 6 SCC 421**, claimants are entitled to enhance future earnings at the rate of fifteen per cent of the earnings. Apart from that, claimant-Amarjit Kaur, widow of the deceased, entitled to receive a sum of ₹ 1,00,000/- on account of loss of consortium and claimants are entitled to receive ₹ 25,000/- on account of funeral expenses. Accordingly the amount of compensation is being re-assessed as under:-

Particulars	Amount (₹)	Amount (₹)
Monthly Income	6,000	
Annual Income (₹ 6000 X 12)	72,000	
Less: 1/3 rd of ₹ 72,000/- on account of dependency	24,000	
Total	48,000	
Add: 15% of ₹ 48,000/- on account of future prospects	7,200	
Net Income	55,200	
Multiplier of 13 of ₹ 55,200/-		7,17,600
Add: (i) Loss of consortium for wife		1,00,000
(ii) Funeral Expenses		25,000

<i>Particulars</i>	<i>Amount (₹)</i>	<i>Amount (₹)</i>
Total Compensation (A)		8,42,600
Compensation awarded by 'The Tribunal' (B)		6,36,000
Enhanced Compensation (A-B)		2,06,600

The awarded amount is enhanced by ₹ 2,06,600/-. The said amount will be payable from the date of claim petition alongwith interest @ 7.5% per annum from the date of filing of the claim petition till its realization.

Resultantly, the present appeal accepted partly.

July 28, 2015
'dk kamra'

(SHEKHER DHAWAN)
JUDGE