

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

FAO-6488-2015

Date of decision: 19.11.2015

Poonam Devi and another

...Appellants

Versus

Multan Chand Sewg and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Vijay Sangwan, Advocate for the appellants

SNEH PRASHAR, J.

The present appeal has been filed by the claimants-appellants, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Narnaul, vide award dated 30.5.2015, on account of death of Karamvir (husband of appellant No.1 and father of appellant No.2) due to the injuries suffered by him in a motor vehicular accident.

The submissions made by learned counsel for the appellants have been heard.

Learned counsel for the appellants submits that learned Tribunal erred in granting compensation under the heads of loss of

love and affection to the minor child and in considering the future prospects of the deceased, who was serving as Constable with Rajasthan Police.

There is no dispute regarding death of Karamvir due to the injuries suffered by him in a road side accident. He was 27 years of age at the time of accident and is survived by a widow and a minor child. He was serving as Constable with Rajasthan Police and getting salary of Rs.23131/- per month. No evidence was led by the appellants with regard to any other source of income. Thus, learned Tribunal has rightly taken the income of the deceased as Rs.23,131/- per month. Learned Tribunal while assessing the loss of dependency as Rs.47,18,724/- has considered the law laid down by Hon'ble Supreme Court in **Rajesh and others vs. Rajbir Singh and others (2013) 9 SCC 54** and added 50% of the income of the deceased towards loss of future prospects. Under the other heads also, learned Tribunal awarded a sum of Rs.35,000/- towards funeral and transportation expenses, a sum of Rs.One lac towards loss of consortium and Rs.50,000/- to the minor child towards loss of love and affection. The amount of all the medical bills i.e. Rs.4,37,700/- tendered in evidence by the claimants-appellants have been allowed to be paid to them by learned Tribunal. Thus, in my considered

opinion, the total compensation of Rs. 53,41,424/- awarded by learned Tribunal is very much just and adequate in all respect.

Accordingly, the present appeal being bereft of merit is dismissed.

19.11.2015
gsv

(SNEH PRASHAR)
JUDGE