

FAO No. 1017 of 1989

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 1017 of 1989

Date of Decision: 20.12.2016

Paramjit Kaur and another

---Appellants

versus

Government of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Vinod Kumar Kataria, Advocate
for the appellants**

Mr. Neeraj Yadav, AAG, Punjab

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation in regard to death of Balbir Singh in a motor vehicular accident that took place on 25.9.1987.

The Motor Accidents Claims Tribunal, Faridkot (in short “the

Tribunal”) assessed income of the deceased at Rs. 1187/- per month on the basis of certificate issued by the Senior Sub Judge, Faridkot, deducted 1/3rd towards personal and living expenses, computed loss of dependency at Rs. 787/- per month rounded off to Rs. 800/-, applied a multiplier of 16 to compute loss of dependency at Rs. 1,53,600/-, payable with interest at the rate of 12% per annum from the date of petition till realization.

Counsel for the appellants has submitted that the Tribunal has not allowed benefit of increase in income for future prospects and no compensation has been awarded under conventional heads.

Counsel for the respondent has stated that the claimants may be allowed reasonable amount under conventional heads.

I have heard counsel for the parties, perused the paper book particularly the award passed by the Tribunal.

It is undisputed position of the case that the deceased was an employee of the District Court at Faridkot. Taking into consideration judgment of Hon'ble the Supreme Court of India **Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298**, claimants are entitled to increase in income for future prospects to the extent of 50%. After extending benefit of future prospects, loss of dependency comes to

Rs. 2,30,400/- (1,53,600 + 76,800).

Under conventional heads, an amount of **Rs. 1,00,000/-** for loss of consortium to the widow, **Rs. 75,000/-** for loss of love and affection to the minor child and **Rs. 20,000/-** each for expenses on funeral and loss of estate is awarded. The total compensation comes to **Rs.4,45,400/-** and the enhanced compensation is **Rs.2,91,800/-** payable with interest at the rate of 7.5% per annum from the date of petition till realization. The additional amount shall be payable to the claimants in equal share.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

20.12.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No