

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 4242 of 2002 (O&M)
Date of Decision : 05.04.2016

Anita Bawa and others

.....Appellants

Versus

Gurmukh Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

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

Ms. Sonia Sharma, Advocate
for respondents no. 2 to 4.

Surinder Gupta, J.

This is appeal by claimants-appellants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Chandigarh (later referred to as 'the Tribunal') for death of Bikramjit Singh Bawa (deceased), husband of claimant-appellant no. 1; father of claimant-appellant no. 2; and son of claimants-appellants no. 3 and 4, in a motor vehicle accident with Chandigarh Transport Undertaking Bus No. CH-01-G-5702 (later referred to as 'the offending vehicle').

2. As the only issue involved in this appeal relates to seeking of enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. The Tribunal allowed compensation of ₹15,84,000/- for death of Bikramjit Singh Bawa, who was Manager in State Bank of India, by taking his monthly income as ₹21,636/-, out of which ₹3000/- were deducted towards income tax and ₹6,636/- towards his personal expenses and by applying the multiplier of 11,

amount of dependency was calculated as ₹15,84,000/-.

4. Learned counsel for the appellants has argued that age of the deceased was 48 years and as per norms laid down by the Apex in case of **Sarla Verma and ors. vs. Delhi Transport Corporation and another, (2009) 6 SCC 121**, claimants are entitled to addition of 30% in income of the deceased towards future prospects as the deceased was a Government employee and the Tribunal was required to apply multiplier of 13 instead of 11 while calculating the amount of compensation. He has further argued that the Tribunal has not allowed any compensation towards loss of consortium for the wife, loss of love and affection for the child, loss of estate, love and affection for parents and funeral expenses.

5. Learned counsel representing respondent no. 3- Insurance Company has argued that the Tribunal is required to allow just and reasonable amount of compensation for death of Bikramjit Singh Bawa in a motor vehicle accident. The accident had taken place on 30.04.2000. Keeping in view the vocation, age and income of the deceased, the Tribunal has rightly allowed compensation as ₹15,84,000/-, which calls for no further enhancement.

6. I agree with learned counsel for Insurance Company to the extent that the Tribunal has to allow just and reasonable compensation to the victim or dependents of victim in motor vehicle accident case. The quantum of 'just and reasonable' compensation depends upon facts of each case. Apex Court in a catena of judgments has settled the law relating to norms required

to be taken care while computing the quantum of compensation.

7. As per observations in the cases of **Sarla Verma (supra)**, claimants are entitled to addition of 30% in income of the deceased towards future prospects and the multiplier applicable to this case is 13. Applying the norms of compensation awarded in cases **Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54** and **Munna Lal Jain and others vs. Vipin Kumar Sharma and others, 2015(3) RCR (Civil), 447**, claimant no. 1- wife of the deceased is allowed compensation of ₹1 lac towards loss of consortium while claimant-appellant no. 2 is allowed compensation of ₹1 lac towards loss of love and affection, care and guidance. Besides this, claimants are also allowed compensation of ₹25,000/- towards funeral expenses. As per observations of the Apex Court in case of **Vimal Kanwar and others vs. Kishore Dan and others, 2013 (7) SCC 476**, claimants-appellants no. 3 and 4 are also allowed compensation of ₹1 lac towards loss of estate, love and affection.

8. In view of my discussion above, the compensation to which claimants are entitled is tabulated as follows:-

Sr. No.	Heads	Calculation
(i)	Income of the deceased Bhupinder Singh Bawa as assessed by the Tribunal	₹21,636 per month
(ii)	30% of (i) above to be added as future prospects	₹21636+₹6490 = ₹28126 per month
(iii)	1/4 th of (ii) deducted as personal expenses of the deceased	₹28126-₹7031 = ₹21095 per month

(iv)	Compensation after multiplier of 13 is applied	(₹21095X12X13) = ₹3290820
(v)	Loss of consortium	₹100000
(vi)	Loss of love and affection, care and guidance for the children	₹100000
(vii)	Loss of estate, love and affection for parents	₹100000
(viii)	Funeral expenses	₹25000
<i>Total</i>		₹3615820

9. As a sequel of my above discussion, the appeal is accepted. Award of the Tribunal is modified and compensation allowed to claimants is enhanced from ₹15,84,000/- to ₹36,15,820/-. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of claim petition till actual realization. The amount of compensation will be disbursed to claimants as per ratio laid down by the Tribunal. The claimants shall also be entitled to costs of this appeal. Counsel fee is assessed at ₹ 20,000/-.

April 05, 2016
jk

(SURINDER GUPTA)
JUDGE