

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

**FAO-2041-2000 (O&M)
Date of decision: 09.02.2016**

Bhoti and others

...Appellants

Versus

Jagbir and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jitender Dhanda, Advocate for the appellants.

Mr. Neeraj Khanna, Advocate with
Mr. Ravinder Arora, Advocate for respondent No.3.

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JITENDRA CHAUHAN, J.

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 06.03.2000, passed by the learned Motor Accident Claims Tribunal, Hisar (for short, 'the Tribunal').

It is urged that an adequate compensation be award to the appellants, who were fully dependent on the earning of the deceased, Dilbag Singh. The inadequate amount of compensation awarded under the conventional heads has been assailed in the present appeal.

On the other hand, the learned counsel for respondent No.3 states that the learned Tribunal has already awarded a just and reasonable compensation. Therefore, the present appeal is liable to be dismissed.

I have heard the learned counsel for the parties and perused the record.

From the perusal of the award, it is noticed that the learned Tribunal had not awarded any compensation on account of the future prospects. It is not in dispute that the deceased, Dilbag Singh was 23 years of age at the time of his death. Therefore, keeping in view the law laid down in ***Rajesh Vs. Rajbir Singh (SC), 2013(3) R.C.R. (Civil), 170***, an addition of 50% is ordered in the actual income of the deceased towards future prospects.

Further, in view of the judgments delivered by the Hon'ble Supreme Court in ***Sarla Verma vs. DTC 2009 (3) RCR (Civil) 77 and Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315***, multiplier of 18 deserves to be applied.

In this way, the amount of compensation under the head of 'loss of dependency' comes to Rs.2,000/- + 50% X 12 X 18 X $\frac{3}{4}$ = Rs.4,86,000/-, as against an amount of Rs.2,88,000/-, assessed by the learned Tribunal under this head.

Furthermore, nothing has been awarded towards loss of

love and affection, therefore, following the law laid down in ***Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776***, an amount of Rs.1,00,000/- is awarded towards loss of love and affection, payable to the children of the deceased, in equal share. As per the law laid down in ***Rajesh's case (supra)***, amount of Rs.5,000/- awarded by the learned Tribunal, towards loss of consortium is enhanced to Rs.1,00,000/-.

In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.3,93,000/- [Rs.1,98,000/- (enhancement towards 'loss of dependency') + Rs.1,00,000/- (towards loss of love and affection, payable to the children of the deceased, in equal share) + Rs.95,000/- (enhancement towards loss of consortium)] as indicated above, in the manner prescribed in the impugned award, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, she shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization. However, there shall be no deduction from the head loss of love and affection.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

09.02.2016

**(JITENDRA CHAUHAN)
JUDGE**