

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

1. FAO-286-1999
Date of decision : 15.01.2016

Rita and another

..... Appellants

versus

Haroon Ali and others

..... Respondents

2. FAO-287-1999

Rita

..... Appellant

versus

Haroon Ali and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sagar Aggarwal, Advocate
for the appellant/s.

Respondent No.1 proceeded ex parte
vide order dated 26.09.2014.

Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate
for respondent No.3-Oriental Insurance Co.,

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

AJAY TEWARI, J. (Oral)

This order shall dispose of the above mentioned two appeals.

Since common questions of law and facts are involved therein, they are
being decided by this common order.

These appeals have been filed for the enhancement of compensation to the claimants on account of death of Rajiv Bhatnagar, aged 28 years, and on account of injuries suffered by one of the claimants-Rita, aged 28 years, in a motor vehicular accident on 26.02.1995.

In the case of death of Rajiv Bhatnagar, the Tribunal took the income of the deceased as Rs.2360/- p.m. and while applying the deduction of 1/3rd and multiplier of 16, the Tribunal awarded Rs.4,53,120/- and further awarded Rs.10,000/- towards loss of funeral charges and awarded total compensation of Rs.4,63,120/- alongwith interest @ 12% p.a.

In the case of injured Rita, the Tribunal awarded total amount of Rs.33,000/- alongwith interest @ 12% p.a. i.e. Rs.15,000/- towards medical expenses, Rs.10,000/- towards permanent disability of 30%, Rs.5,000/- towards pain and suffering and Rs.3000/- towards special diet.

As regards FAO No.286-1999, learned counsel for the appellants has argued that in the first place future prospects were not awarded even though the deceased was a Govt. servant.

Learned counsel for the respondent No.3 is not in a position to dispute this.

Consequently, 50% future prospects have to be awarded on the salary of Rs.3,538/-. Ordered accordingly.

Secondly, learned counsel for the appellants has argued that the deceased was 28 years of age and therefore multiplier of 17 has to be made applicable.

Learned counsel for the respondent is not in a position to deny this also.

Consequently, multiplier of 17 is directed to be applied.

Learned counsel for the appellants has further argued that nothing has been awarded on account of consortium and love and affection to the widow and the minor daughter.

In my opinion, keeping in view the age of the deceased and the date of the accident amount of Rs.1,00,000/- has to be awarded to the appellant No.1-widow towards loss of consortium and love and affection and Rs.50,000/- towards loss of love and affection to the minor daughter-appellant No.2. The enhanced amounts shall be paid along with interest @ 8% p.a. from the date of filing of the claim petition till realization.

The appeal bearing FAO No.286 of 1999 is allowed in the above terms and the award is modified accordingly.

As regards the appeal bearing FAO No.287 of 1999, the appellant (widow of the deceased in the accompanying case) suffered a fracture of the nasal bone of the left arm and also lost 3 teeth. A total amount of Rs.33000/- was awarded to her under different heads as aforesaid.

Learned counsel for the appellants has argued that the payment on account of pain and suffering (Rs.5000/-) is highly inadequate. I find this to be so and increase it to Rs.7,000/-. The enhanced amount shall be paid along with interest @ 8% p.a. from the date of filing of the claim petition till realization.

The appeal bearing FAO No.287 of 1999 is disposed of in the above terms and the award is modified accordingly.

It is clarified that in terms of the order dated 09.08.2004 the respondent No.3-insurance company would be entitled to recover the amount from the owner-driver (respondents No.1 and 2) in accordance with law.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

15.01.2016

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**