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

FAO No. 841 of 2001 (O&M)
Date of decision : March 01, 2016

Baljinder Kaur and others,
...... Appellants.

v.
Sukhwinder Singh and others,
...... Respondents

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. Rajesh Gupta , Advocate
for the appellants.

Mr. RC Gupta, Advocate
for respondent No.3-Insurance Company.

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1. **Whether Reporters of Local Newspapers 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 ?**

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**Ajay Tewari, J (Oral)**

C.M No.4534 CII of 2016

For the reasons recorded, this application is allowed and the evidence is taken on record.

FAO No.841 of 2001

This appeal has been filed by the claimants for enhancement of compensation. Brief facts are that on 21.8.1997, Jatinder Singh, deceased, was going on his scooter from village Kanech and at about 9 am when he reached Bagowal road ahead of the canal bridge Rampur, the offending milk tanker, being driven by respondent No.1, hit against the scooter from behind and as a result of which, the scooterist received multiple injuries and died. The Tribunal held respondent No.1 responsible for causing the accident. Income of the deceased was taken as ₹ 9500/- per month and dependency was taken at ₹ 5,000/-, and after applying multiplier of 10, the compensation assessed was ₹ 6 lacs. Besides this, a sum of ₹ 10,000/- was awarded towards medical expenses and damage to the scooter.

Counsel for the appellants has argued that the Tribunal erred in computing personal expenses at ₹ 4500/- out of the salary of ₹ 9500/-. As per him, the deceased left behind widow and two minor children and consequently, the deduction for personal expenses could not have been more than 2/3rd. Counsel for respondent No.3 is not able to deny this. In the circumstances, the dependency is kept at 2/3rd.

Counsel for the appellants has further argued that as per the age of the deceased (42 years), multiplier of 14 should have been applied instead of 10. Counsel for the respondent is not able to deny this also. I order accordingly.

Counsel for the appellants has further argued that since the deceased was a government servant, 30% future prospects had to be awarded. Counsel for the respondent, however, points out if future prospects had to be awarded, then deduction would have to be made for income tax.

Both the points are valid. After adding future prospects, yearly salary of the deceased would come to ₹ 148200/-. It is agreed by counsel for the parties that an amount of ₹ 47,960/- would be taxable and on this amount, income tax of ₹ 19640/- was payable. Thus, the income of the deceased would be ₹ 1,28,560/-. At 2/3rd, the annual dependency would be

₹ 85,706/-. By applying multiplier of 14, the compensation would amount to ₹ 11,99,884/- say ₹ 11,99,990/-. Apart from this, the appellants would be entitled to a sum of ₹ 10,000/- for funeral expenses. I further award a sum of ₹ 50,000/- for loss of love and affection and ₹ 50,000/- for loss of consortium to appellant No.1, a sum of ₹ 25,000/- to appellant No.2 (minor son) for loss of love and affection, a sum of ₹ 50,000/- to appellant No.3 (minor daughter) for loss of love and affection. The enhanced amounts would carry interest @ 8% pa from the date of application till the date of payment. It is made clear that apart from the individual amounts, the entire compensation amount would be handed over to appellant No.1. Since the minors have now attained majority, the amount payable to them would be disbursed to them.

This appeal stands disposed of in the above terms.

**( AJAY TEWARI )**
**JUDGE**

**March 01, 2016**
**`kk'**