

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

F.A.O. No.854 of 2001 (O&M)

Date of Decision : 27.02.2016

Smt. Savitri and others

..... Appellants

versus

Sham Lal and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ashok Verma, Advocate
for the appellants.

Mr. V.K.Garg, Advocate
for respondent No.3.

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 appeal has been filed by the claimants for the enhancement of compensation on account of death of Sh. Risal Ram, aged 37 years, in a motor vehicular accident on 03.09.1998.

The Tribunal assessed the income at Rs.7143/- p.m. and by applying the deduction of 1/3rd and multiplier of 14 awarded compensation Rs.8,00,016/- alongwith interest @ 12% p.a.

Learned counsel for the appellants has argued that the multiplier of 15 has to be applied instead of 14 as per the age of the

deceased as held by the Hon'ble Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another*, 2009 ACJ 1298.

Learned counsel for the respondent No.3-insurance company has fairly accepted this contention.

Learned counsel for the appellants has further relied upon the decision of the Hon'ble Supreme Court in the case of *Rajesh and others v. Rajbir Singh and others* reported as 2013(9) SCC 54, where an amount of Rs.1 lac was awarded towards loss of consortium to the widow and Rs.1 lac each to three minor children for loss of care and guidance. He has further argued that nothing has been awarded on account of future prospects.

Learned counsel for the appellants has further argued that under conventional heads very less amount has been awarded and has relied upon the decision of the Hon'ble Supreme Court in *Vimal Kanwar and others vs. Kishore Dan and others*, (2013-3) PLR 776, where the Hon'ble Supreme Court awarded a sum of Rs.1 lac to the widow and a sum of Rs.2 lac to the minor girl and Rs.1 lac to the mother on account of loss of love and affection, and another sum of Rs.1 lac towards loss of consortium to the widow.

Learned counsel for the respondent No.3 is not in a position to deny these contentions as well.

Keeping in view the entire conspectus of facts, I award 50% increase in income on account of future prospects and Rs.10,000/- more towards funeral expenses. I further direct that multiplier of 15 should be applied. I further award an amount of Rs.50,000/- each towards loss of

consortium and towards loss of love and affection to the widow-appellant No.1. I further award an amount of Rs.25,000/- to the son-appellant No.2 and Rs.50,000/- to the daughter-appellant No.3 towards loss of love and affection.

The enhanced amounts shall be paid along with interest @ 8% p.a. from the date of filing of the claim petition till realization. Apart from the individual amounts awarded, the apportionment and management would be as per the direction of the Tribunal. However, since the appellants No.2 and 3 have become major by now the entire amount falling to their share will be disbursed to them as well.

The appeal is allowed in the above terms and the award is modified accordingly.

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

February 27, 2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**