

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

FAO-3913-2004 (O&M)
Date of decision: 12.04.2016

Sumitra and others

...Appellants

Versus

Ranbir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sudhir Kumar, Advocate for
Mr. Narender Hooda, Advocate for the appellants.

Mr. D. K. Prajapati, Advocate for
Mr. R. S. Madan, Advocate
for respondent No.3.

Mr. Vinod Gupta, Advocate
for respondent No.5.

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JITENDRA CHAUHAN, J.

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 07.08.2004, passed by learned Motor Accidents Claims Tribunal, Rohtak, (for short, 'the Tribunal').

The learned counsel for the appellants contends that the deceased, Inder Singh was 60 years at the time of accident, therefore, learned Tribunal ought to have applied multiplier of 9 instead of multiplier of 8 in view of the law laid down by Hon'ble Supreme Court in *Sarla Verma v. DTC (2009) 6 SCC 121*. Nothing has been awarded towards loss of love & affection. Lastly, he submits that the amount

awarded under the conventional heads are on the lower side and deserves to be enhanced.

On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal and state that a just and reasonable compensation has already been awarded to the appellants.

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

Further, as per the law laid down in Sarla Verma's case (supra), the multiplier ought to have been 9 instead of 8, as assessed by the learned Tribunal.

In this way, the amount of compensation under the head of 'loss of dependency' comes to ₹2050/- X 12 X 9 X 2/3 = ₹1,47,600/-, as against an amount of ₹1,31,520/-, 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,*** amount of ₹1,00,000/- awarded towards loss of love and affection shall be payable to the children of the deceased, in equal shares.

As per the law laid down in ***Rajesh Vs. Rajbir Singh, 2013 (3) R.C.R. (Civil), 170 (SC)***, another amount of ₹90,000/- towards loss of consortium awarded to the wife of the deceased, only.

In view of the above, the claimants are held entitled to the enhanced compensation of ₹2,06,080/- [₹16,080/- (enhancement

towards 'loss of dependency') + ₹1,00,000/- (towards loss of love and affection payable to the children of the deceased, in equal share) + ₹90,000/- (enhancement towards loss of consortium payable to the wife of the deceased only)] 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, they shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization.

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

12.04.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**