

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

FAO-1183-2006 (O&M)

Date of decision: 13.01.2016

Gulzar Kaur and ors.

...Appellants

Versus

Ved Parkash and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R. S. Rana, Advocate
for the appellants.

Mr. Saurabh Mohunta, DAG, Haryana

Mr. Y. S. Turka, Advocate
for respondent No.1.

Mr. Suvir Dewan, Advocate
for respondent No.4.

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JITENDRA CHAUHAN, J.

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 05.12.2005, passed by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal').

The learned counsel for the appellants contends that the claimants were fully dependent upon the earnings of the deceased

Nirmal Singh. No amount has been awarded towards future prospects. The amount awarded under the other heads are on the lower side and deserves to be enhanced.

The learned counsel for the respondent-Insurance Company has vehemently opposed the present appeal.

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

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident.

From the perusal of the award, it is noticed that the learned Tribunal did not award any compensation on account of the future prospects of the deceased. Therefore, keeping in view the law laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***, an increase of 50% is ordered towards the head of 'future prospects'. Further, the learned Tribunal has applied the 15 multiplier and 1/3rd deduction was made. However, keeping in view the age of the deceased, the multiplier of 17 deserves to be applied and deduction should be 1/4th, in view of the judgment delivered by the Hon'ble Supreme Court in ***Sarla Verma vs. DTC 2009 (3) RCR (Civil) 77***.

In this way, the amount of compensation under the head of 'loss of dependency' comes to Rs.2400/- + 50% X 12 X 17 X

3/4= Rs.5,50,800/-, as against the amount of Rs.2,88,000/-, assessed by the learned Tribunal under this head.

Furthermore, it is noticed that nothing has been awarded towards the heads 'cremation and last rites', 'loss of consortium', 'loss of love and affection' and 'loss of love care and guidance'. Therefore, amount of Rs.25,000/-, is awarded under the head 'cremation and last rites', Rs.1,00,000/-, awarded in respect of 'loss of consortium' payable to the wife of the deceased only, Rs.1,00,000/- towards the head 'loss of love and affection' payable to the mother of the deceased only and Rs.1,00,000/- under the head 'loss of love, care and guidance' payable to the children of the deceased only.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.5,87,800/- [Rs.2,62,800/- (enhancement towards loss of dependency) + Rs.25,000/- (towards cremation and last rites) + Rs.1,00,000/- (towards 'loss of consortium', payable to the wife of the deceased only) + Rs.1,00,000/- (towards 'loss of love and affection', payable to the mother of the deceased only) + Rs.1,00,000/- (towards 'loss of love care and guidance', payable to the children 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.

13.01.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**