

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

**FAO No.5145 of 2006
Date of decision : 01.03.2016**

Smt. Phoolan Devi and others

.....Appellants

Versus

Jagbir and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

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

Present: Mr. Arun Yadav, Advocate for appellants.

Mr. Lajpat Sharma, Advocate for
Mr. Vivek Khatri, Advocate for respondent No.1.

Mr. Vinod Gupta, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 04.08.2006 passed by learned Motor Accidents Claims Tribunal, Rewari (hereinafter called the 'Tribunal'), vide which the claimants have been awarded compensation to the tune of Rs.3,71,980/- on account of death of Mange Ram in the motor vehicular accident which took place on 08.06.2005.

2. Learned counsel for the appellants contended that the

deceased was 45 years of age. He was an agriculturist but no future prospects have been added to the income of the deceased. He further contended that the compensation awarded under the other conventional heads is also very less. No amount has been awarded towards loss of love and affection to the children.

3. On the other hand, learned counsel for the respondents contended that no future prospects were required to be added to the income of the deceased as he was not holding any permanent post. He further contended that the just and appropriate compensation has been awarded by the learned Tribunal under other heads.

4. I have duly considered the aforesaid contentions.

5. As per the case of the claimants, deceased was an agriculturist. He was in cultivating possession of the agricultural land as a co-sharer. The copies of the *Jamabandi* Ex.P4, Ex.P5 and Ex.P7 have been brought on record which shows that his individual share was about 14 to 15 Kanals. The learned Tribunal has taken the income of the deceased to be Rs.3500/- per month being the value of the supervising services which were being rendered by the deceased but no future prospects have been added to the income of the deceased. There is no denial to the fact that even the value of supervising services rendered by an agriculturist also increases with the passage of time. Even the wages of the agriculturist labourer are increasing day by day. So, the future prospects were required to be added to the income of the deceased. At the time of death the deceased was in the age group of 45 to 50 years. So, 30% of his income was required to be added towards the future prospects,

which comes to Rs.1050/-. The total income comes to Rs.4550/- per month i.e. Rs.54,600/- per annum. 1/3rd of the income of the deceased shall be deducted towards his own living and personal expenses. The remainder comes to Rs.36,400/-. In view of the age of the deceased, the multiplier of 13 shall be applicable. So, the multiplicand comes to Rs.4,73,200/-.

6. In addition to the aforesaid amount, appellant-claimant No.1 Smt. Phoolan Devi, widow of the deceased, shall be entitled to Rs.1,00,000/- towards loss of consortium. The sons of the deceased i.e. claimants No.2 & 3 shall be entitled to Rs.1,00,000/- towards loss of love, care and guidance. The claimant shall be further entitled to Rs.25,000/- towards funeral and transportation charges. The total comes to Rs.6,98,200/-.

7. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced to Rs.6,98,200/- from Rs.3,71,980/- as awarded by the learned Tribunal. The claimants shall be entitled to interest on the enhanced amount from the date of filing the petition till realization at the rate of interest as awarded by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

01.03.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**