

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 2589 of 2010 (O&M)

Date of decision : April 27, 2016

Smt. Narender Kaur and others,

..... Appellants.

v.

Ram Kishan and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kunal Dawar, Advocate
for the appellants.

Mr. DR Bansal, Advocate
for respondent No.3.

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 ?**

Ajay Tewari, J (Oral)

This appeal has been filed by the claimants for enhancement of compensation.

Brief facts are that on 10.4.2007 at about 11 pm, the deceased- Charanjit Singh was going in his car and when he crossed Bata Tool Bridge and came down, he struck his car against a wrongly parked truck by respondent No.1 in the middle of the road. As a result of this accident, the deceased received multiple serious injuries and eventually died. The Tribunal held respondent No.1 responsible for causing the accident and awarded a sum of ₹1,87,000/- for medical expenses/attendant charges. By

taking the annual income as ₹ 1,41,128/- and applying 14 as multiplier, the compensation came to be ₹ 13,17,194/-. Besides this, a sum of ₹ 4000/- was awarded as funeral expenses, and a sum of ₹ 6806/- was awarded for loss of consortium to appellant No.1.

Counsel for the appellants has argued that even if the income tax return whereby the income was ₹ 48450/- cannot be taken to be a gospel truth, yet three years' income tax returns definitely show that there was an increase every year and some benefit of that had to be given.

I find weight in this argument and consequently increase the annual income of the deceased by ₹ 25,000/-.

Counsel for the appellants has further argued that admittedly there were four dependents and deduction had to be 1/4th. I find that also to be correct and grant the same. I further grant ₹ 21,000/- more for funeral expenses. I find that only a sum of ₹ 6806/- was granted for loss of consortium to appellant No.1 and nothing has been awarded for loss of love and affection. In view of the decision of the Hon'ble Supreme Court in Rajesh and others vs Rajbir Singh and others, 2013(9) SCC 54, I award ₹ 93,194/- more for loss of consortium, and a sum of ₹ 1 lac for loss of love and affection to appellant No.1. I further award a sum of ₹ 1 lac to appellant No.3 (daughter) for loss of love and affection, and a sum of ₹ 50,000/- each to appellants No.3 and 4 (sons) for loss of love and affection.

Counsel for the appellants has further argued that the Tribunal also erred in giving differential interest in so much as it awarded interest @ 6% pa from the date of filing of the claim petition till the date of the Award and future interest @ 7.5.% pa.

In my opinion, it would be in the interest of justice if it is

directed that the enhanced amount would carry interest @ 9% pa from the date of the claim petition till the date of payment.

Counsel for the appellants has further argued that nothing has been awarded towards future prospects. Since the matter regarding grant of future prospects is pending before the Hon'ble Supreme Court, I do not find any ground to grant anything under this head.

I am informed that all the minor claimants have now become major and, therefore, the enhanced amount falling to their share be handed over to them.

This appeal stands disposed of.

(AJAY TEWARI)
JUDGE

April 27, 2016
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