

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

**FAO No.1110 of 2011 (O&M)
Decided on: 04.07.2016**

Guddi Devi and others	Versus	Appellants
Surjeet Singh and others		...Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Sushil Bhardwaj, Advocate for the appellants.

Mr. Kapil Bansal, DAG, Haryana for respondent No.2.

Mr. M.B. Jain, 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?*

REKHA MITTAL, J.

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Panchkula (for brevity 'the Tribunal') in respect of death of Vijay Pal in a motor vehicular accident on 29.02.2008.

The learned Tribunal assessed annual dependency of the claimants to the tune of Rs.5,30,400/- and awarded an amount of Rs.2,000/- each for last rites and loss of consortium to the widow, making total compensation to the tune of Rs.5,34,400/-. An amount of Rs.2,34,000/- was held payable to the widow and Rs.1,00,000/- each was granted in favour of minor children of the deceased (claimants No.2 to 4).

Counsel for the appellants has not pointed out any error in assessing income of the deceased, deduction towards personal expenses

but fairly conceded that in view of age of the deceased when examined in the light of landmark judgment of Hon'ble the Supreme Court "***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another***", 2009(3) R.C.R. (Civil) 77, admissible multiplier would be of 16 in place of 17.

Counsel for the appellants has submitted that the learned Tribunal has not awarded any compensation qua increase in income for future prospects to the extent of 50% in view of age of the deceased when examined in the light of judgment of Hon'ble the Supreme Court "***Rajesh and others Vs. Rajbir Singh and others***", 2013(3) R.C.R. (Civil) 170.

With regard to compensation under conventional heads, it is argued that the learned Tribunal has awarded a paltry sum towards loss of consortium and failed to compensate the minor claimants for loss of love and affection of their father. The compensation awarded for expenses on last rites and ceremonies also requires enhancement. In support of his contention, he has referred to judgment of Hon'ble the Supreme Court "***Vimal Kanwar and others Vs. Kishore Dan and others***" 2013(2) R.C.R. (Civil) 945.

Counsel for respondent No.3 (Insurance Company) has supported the award passed by the learned Tribunal except to seek modification in regard to the multiplier by way of reduction from 17 to 16.

I have heard counsel for the parties and perused the records.

The claimants would be entitled to benefit of increase in

income for future prospects to the extent of 50% in view of enunciation of law laid down in *Rajesh's case (supra)*. Thus, the loss of dependency by adopting a multiplier of 16 comes to Rs.4,99,200/- + Rs.2,49,600/- = Rs.7,48,800/-. Guddi Devi, widow of the deceased shall be entitled to an amount of Rs.1,00,000/- towards loss of consortium. The minor children of the deceased shall be entitled to an amount of Rs.2,25,000/- in equal share towards loss of love and affection of their father. The appellants shall also be entitled to an amount of Rs.25,000/- for funeral expenses. The total amount of compensation payable to the claimants comes to Rs.10,98,800/-. The enhanced compensation is calculated at Rs.5,64,400/- (Rs.10,98,800/- – Rs.5,34,400/-). The amount of enhanced compensation shall carry interest at the rate awarded by the Tribunal and shall be payable from the date of filing of the claim petition till realization.

The enhanced compensation shall be payable to widow of the deceased except the amount awarded to the minor claimants towards loss of love and affection which shall be payable to the children according to their entitlement discussed hereinbefore. The compensation awarded to the minor children shall be deposited in the shape of FDR in a nationalized bank for a period of two years or till they attain the age of majority whichever is later. The widow of the deceased shall be entitled to withdraw the amount of her share (enhanced compensation) forthwith.

04.07.2016
yakub

(REKHA MITTAL)
JUDGE