

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

**FAO-6577-2010 (O&M)
Date of decision: 18.02.2016**

Sunita and others

...Appellants

Versus

Ali Ahmad and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Nishant Raj, Advocate,
for the appellants.

Mr. R.S. Sharma, Advocate,
for respondent No.3.

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JITENDRA CHAUHAN, J.

The present appeal has been preferred by the claimant-appellants, seeking enhancement of the amount of compensation awarded vide impugned award dated 26.03.2010, passed by the learned Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal').

The learned counsel contends that the deceased was a government servant, however, nothing has been awarded on account of future prospects. It is further submitted that the compensation awarded on under the conventional heads is also

inappropriate and deserves to be enhanced.

On the other hand, the learned counsel for the Insurance Company have vehemently opposed the present appeal.

I have heard learned counsel for the parties and gone through the record.

In the instant case, the deceased was more than 40 years of age at the time of the accident. The learned Tribunal has not awarded any compensation towards the future prospects of the deceased. Therefore, an increase of 30% is ordered to the actual income of the deceased on account of future prospects in view of the law laid down by Hon'ble the Apex Court in ***Smt. Sarla Verma Vs. DTC (2009) 6 SCC 121***.

In this way, the compensation amount on account of 'loss of dependency' would come to Rs.13,120/- + 30% X 12 X $\frac{3}{4}$ X 14 = Rs.21,49,056/-, as against the amount of Rs.16,52,000/-, assessed by the learned Tribunal under this head.

Furthermore, the amount of Rs.20,000/-awarded to the claimant-wife, towards 'loss of consortium' is enhanced to Rs.1,00,000/-, whereas, the claimant-children of the deceased are also awarded Rs.1,00,000/-, for 'loss of love, care and guidance'. Though, respondent No.4, the mother of the deceased has not preferred any appeal against the impugned award, but considering the fact that she was one of the claimants before the Tribunal, she

is also awarded Rs.1,00,000/- for loss of love and affection. Furthermore, another amount of Rs.10,000/- is awarded under the head of 'transportation'.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.7,87,056/- [Rs.4,97,056/- (enhancement towards 'loss of dependency') + Rs.80,000/- (enhancement towards 'loss of consortium', payable to the wife of the deceased only) + Rs.1,00,000/- (for loss of love, care and guidance, payable to the minor children of the deceased, in equal shares) + Rs.1,00,000/- (towards loss of love and affection, payable to the mother-respondent No.4 only, in case, she is alive) + Rs.10,000/- (towards transportation)], as indicated above, 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.

18.02.2016
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(JITENDRA CHAUHAN)
JUDGE