

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

**FAO-2372-2012 (O&M)
Date of decision: 14.01.2016**

Smt. Santosh and ors.

..Appellants

Versus

Gaurav and ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parveen Sharma, Advocate for the appellants.

Mr. M. B. Jain, Advocate for respondent No.3

-.-

JITENDRA CHAUHAN, J.

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 13.01.2012, passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal').

The claimant are the wife and the children of the deceased, Ram Singh, who dies in the accident in question. It is further contended that the learned Tribunal has not awarded any compensation towards the future prospects of the deceased. The amount awarded under the conventional heads is also on the lower side and deserves to be enhanced.

On the other hand, 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 30% is ordered towards the head of 'future prospects'. In this way, the amount of compensation under the head of 'loss of dependency' comes to Rs.4,214/- + 30% X 12 X 14 X $\frac{3}{4}$ = Rs.6,90,228/-, as against the amount of Rs.5,31,048/-, assessed by the learned Tribunal under this head.

Furthermore, it is noticed that the learned Tribunal has awarded an amount of Rs.5,000/- for 'cremation and last rites' and another amount of Rs.10,000/-, for 'loss of consortium', which in the opinion of this Court, are on the lower side. Accordingly, the amount of Rs.5,000/-, awarded under the head 'cremation and last rites' is enhanced to Rs.25,000/-, whereas, the amount of Rs.10,000/- awarded under the head 'loss of consortium' is enhanced to Rs.1,00,000/-. Another amount of Rs.1,00,000/- is

awarded to the minor children of the deceased for 'loss of love, care and guidance'.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.3,69,180/- [Rs.1,59,180/- (enhancement towards loss of dependency) + Rs.20,000/- (enhancement towards cremation and last rites) + Rs.90,000/- (enhancement towards 'loss of consortium', payable to the wife of the deceased only) + Rs.1,00,000/- (towards loss of love, care and guidance, payable to the minor children of the deceased, in equal shares)] 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. However, the amount awarded under the head of future prospects be released on furnishing adequate surety.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

14.01.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**