

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

FAO-6822-2011 (O&M)
(MACT case NO.130 of 2010/2011)
Date of decision: 12.5.2016

Shakuntla Devi and others

...Appellants

Versus

Dinesh Saini and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Deepak K.Sharma, Advocate for the appellants

Mr.Vikas Kumar, Advocate for respondent No.1.

Mr.DP Gupta, Advocate for
Mr.Ravinder Arora, Advocate for respondent No.2.

Mr.Eklavya Darshi, Advocate for respondent No.4.

SNEH PRASHAR, J.

Claimants-appellants being wife and children of deceased Ram Bachan, who lost his life in a motor accident that took place on 4.12.2009, filed the present appeal seeking enhancement of the compensation amount awarded by learned Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri (in short 'the Tribunal'), vide award dated 22.7.2011 passed in MACT csae No.130 of 2010/2011.

The submissions made by learned counsel for the parties have been heard and record perused.

It is submitted on behalf of the appellants that the deceased was a permanent employee with M/s Globe Engineering Corporation and

used to earn Rs.4500/- per month. He had a bright future but no addition in income was made computing his future prospects. Also no amount for loss of love, care and guidance to the children was allowed, whereas a consolidated amount of Rs.20,000/- on account of funeral and last rites expenses and for loss of consortium was allowed, which is on the lower side.

Deceased Ram Bachan was in the age group of 36-40 years at the time of his death. As no amount has been awarded towards future prospects, therefore, keeping in view the law laid down by Hon'ble Supreme Court in **Rajesh and others vs. Rajbir Singh and others (2013) 9 SCC 54**, increase in income to the extent of 50% towards future prospects is allowed. The multiplier of 15 and the deduction of 1/4th towards personal and living expenses of the deceased taken by learned Tribunal are affirmed. The medical bills proved on record amounting to Rs.20,000/- has already been allowed.

The claimants are the wife and four children i.e. one daughter and three sons. Untimely death of Ram Bachan was a great shock to the family because he was the sole bread earner. Perusal of the award shows that no amount has been allowed to the children for loss of love, care and guidance, whereas a meager amount of Rs.20,000/- for funeral expenses, last rites and loss of consortium was allowed. Following law laid down in **Vimal Kanwar and others vs. Kishore Dan and others (2013-3) PLR 776**, in my considered opinion the ends of justice would be served, if a sum of Rs. one lac towards loss of consortium; Rs. one lac under the head of loss of love, care and

guidance to the children, to be paid in equal shares, is allowed to the claimants. The amount awarded on account of funeral and last rites expenses is also enhanced from Rs.20,000/- to Rs.25,000/-.

Accordingly, the total compensation comes to Rs.11,56,250/- i.e. Rs.4500 (monthly income)+ 50% (future prospects) -1/4th (deduction on account of living and personal expenses of the deceased) x 12 x 15 (multiplier) + Rs.2,25,000 (conventional heads including already awarded)+ Rs.20,000 (medical expenses already awarded). The enhanced amount i.e. Rs.5,08,750/- (11,56,250- 6,47,500) shall be paid to the appellants within two months from the date of the receipt of the certified copy of this judgment, failing which, it shall carry interest at the rate of 7.5% per annum from the date of the filing of the appeal till its realisation.

In the above premises, the present appeal is partly allowed and the impugned award is modified as noticed above.

12.5.2016
gsv

(SNEH PRASHAR)
JUDGE