

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

FAO No.5395 of 2012

Date of decision : 30.05.2016

Amandeep Kaur and others

.....Appellants

Versus

Manga Masih and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Deepak Arora, Advocate for appellants.
 Mr. Ajay Pal Singh Rehan, Advocate for respondent No.1.
 Mr. Dheeraj Mahajan, Advocate for respondent No.2.
 Mr. Sandeep Suri, Advocate for respondent No.3.
 Respondent No.4 proceeded against *ex parte*.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 28.07.2012 passed by the learned Motor Accidents Claims Tribunal, Gurdaspur (hereinafter called the 'Tribunal') vide which the appellants-claimants have been awarded a sum of Rs.4,23,000/- as compensation on account of death of Ramandeep Singh as a result of injuries suffered by him in the motor vehicular accident, which took place on 18.10.2010.

2. The present appeal has been preferred by the appellants-

claimants for enhancement of amount of compensation.

3. Learned counsel appearing for the appellants-claimants contended that the learned Tribunal has not awarded any amount towards the future prospects. The deceased was only 26 years of age having bright prospects for appreciation in his income. The learned Tribunal has also awarded very less amount under the other conventional heads.

4. On the other hand, learned counsel appearing for the respondent-Insurance Company contended that the deceased was only a casual worker and no future prospects could have been added to his income. The compensation has been adequately awarded under the other conventional heads. Thus, he contended that there is no scope of any further enhancement in the amount of compensation.

5. I have duly considered the aforesaid contentions and found considerable substance in the contentions raised by learned counsel for the appellants-claimants.

6. Learned Tribunal has determined the income of the deceased to be Rs.3000/- per month but the learned Tribunal has not awarded any future prospects towards the income of the deceased. Deceased Ramandeep Singh has been treated to be labourer by the learned Tribunal while determining his monthly income at the rate of Rs.3000/- per month. It is the fact of common knowledge that even in case of a labourer, the income increases with the passage of time. So, the learned Tribunal should have awarded the future prospects towards the income of the deceased. The deceased was 26 years of age at the time of his death. So, 50% of the

income of the deceased is required to be added towards the future prospects. The total income of the deceased comes to Rs.4500/- per month *i.e.* Rs.54,000/- per annum. $\frac{1}{3}^{\text{rd}}$ of his income is to be deducted towards his personal and living expenses. The remainder comes to Rs.36,000/-. The learned Tribunal has rightly applied the multiplier of 18 in view of the age of the deceased. So, the compensation on account of loss of dependency comes to Rs.6,48,000/-.

7. The learned Tribunal has only granted Rs.5000/- towards love and affection, Rs.5000/- towards loss of consortium and Rs.5000/- towards funeral expenses. The said amount is highly inadequate. Appellant-claimant Smt. Amandeep Kaur, the widow of Ramandeep Singh shall be entitled to a sum of Rs.1,00,000/- on account of loss of consortium. Appellant-claimant No.2 Manmeet Singh minor son of Ramandeep Singh shall be entitled to a sum of Rs.1,00,000/- on account of loss of love, care and guidance. Smt. Balwinder Kaur, the mother of the deceased, shall also be entitled to a sum of Rs.1,00,000/- towards the loss of love and affection of her son. The appellants-claimants shall also be entitled to a sum of Rs.25,000/- towards funeral expenses.

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellants-claimants is enhanced to Rs.9,73,000/- from Rs.4,23,000/- as awarded by the Tribunal. The appellants-claimants shall also be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to

pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

30.05.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**