

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

**FAO-1105-2013 (O&M)
Date of decision: 23.02.2016**

Rupinder Kaur and others

...Appellants

Versus

Puran Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vipul Dharmani, Advocate for the appellants.

Mr. Satpal Dhamija, Advocate for respondent No.8.

-.-

JITENDRA CHAUHAN, J.

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 05.06.2012, passed by the learned Motor Accident Claims Tribunal, Ropar (for short, 'the Tribunal').

The learned counsel for the appellants contends that at the time of accident the deceased, Dalwinder Singh was 30 years of age and the appellants were fully dependent upon him. The amount awarded under the conventional heads is on the lower side and deserves to be enhanced in view of the law laid down in

Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54.

The learned counsel for the respondent-Insurance Company has vehemently opposed the present appeal and states that a just and reasonable compensation has been awarded to the appellants.

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 Dalwinder Singh, the father of the appellant No.1- Rupinder Kaur, had 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. It is not in dispute that the deceased was 30 years of age at the time of his death. Therefore, keeping in view the law laid down in ***Rajesh' case (supra)***, an addition of 50% is ordered in the actual income of the deceased towards future prospects.

In this way, the amount of compensation under the head of 'loss of dependency' comes to Rs.5,000/- + 50% X 12 X 17 X $\frac{2}{3}$ = Rs.10,20,000/-, as against an amount of Rs.6,80,000/-, assessed by the learned Tribunal under this head.

Further, nothing has been awarded under the head 'loss of love and affection' and 'loss of love, care and guidance'.

Accordingly, in view of the law laid down in ***Vimal Kanwar and***

others Vs. Kishore Dan and others, (2013-3) PLR 776, an amount of Rs.50,000/- is awarded to the mother of the deceased for loss of love and affection and Rs.1,00,000/- is awarded to the daughter of the deceased for loss of love, care and guidance.

Furthermore, as per the law laid down in ***Rajesh' case (supra)*** amount of Rs.5,000/- awarded towards 'cremation and last rites' is enhanced to Rs.15,000/- under this head.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.5,00,000/- [Rs.3,40,000/- (enhancement towards 'loss of dependency') + Rs.50,000/- (towards 'loss of love and affection', payable to the mother of the deceased only) + Rs.1,00,000/- (towards the head 'loss of love, care and guidance' awarded to the daughter of the deceased only) + Rs.10,000/- (enhancement towards cremation and last rites)] 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.

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

23.02.2016

**(JITENDRA CHAUHAN)
JUDGE**