

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

FAO No.2138 of 2013(O&M)

Date of decision:4.10.2016

Sunita Rani and others

....Appellants

VERSUS

Surinder Singh and others

.....Respondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Aayush Gupta, Advocate for the appellants.

Mr. Rajesh K. Sheoran, Additional A.G. Haryana
for respondents No.1 to 4.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Kurukshetra (in short 'the Tribunal') in regard to death of Prem Singh in a motor vehicular accident that took place on 29.04.2013.

The Tribunal assessed income of the deceased at Rs.5000/- per month, deducted 1/4th for personal expenses, adopted a multiplier of 13 to compute loss of dependency at Rs.5,85,000/-. In addition, an amount of Rs.10,000/- towards funeral expenses and Rs.5,000/- for loss of consortium has been awarded, making total compensation to Rs.6,00,000/- payable with interest at the rate of 7.5% per annum from the date of petition till realization.

Counsel for the appellants has submitted that as per plea of the claimants, the deceased was 44 years of age but in the post-mortem report, his age was recorded to be 45 years. There is no evidence on record that deceased was more than 45 years of age, therefore, admissible multiplier would be 14 in place of 13. The claimants are entitled to benefit

of future prospects to the extent of 30% in the light of judgment of Hon'ble the Apex Court Rajesh and others Vs. Rajbir Singh and others, 2013 (3) RCR (Civil) 170 and compensation awarded under conventional heads needs enhancement.

Counsel for the respondents has supported the award with the submission that no increase in assessment made by the Tribunal is warranted.

I have heard counsel for the parties, perused the paper-book particularly the award passed by the Tribunal.

The Tribunal has accepted age of the deceased to be more than 45 years as the claimants have not produced any documentary evidence like birth certificate or school certificate as an evidence of date of birth of the deceased. It is an undisputed position of the case that widow of the deceased appeared in the witness box and deposed on oath that her husband was 44 years old. In the post-mortem report Ex.P6, age of the deceased was mentioned to be 45 years. Under these circumstances, admissible multiplier would be 14 by considering age of the deceased to be 45 years. The claimants are entitled to benefit of increase in income for future prospects to the extent of 30%. In view of the above, compensation qua loss of dependency comes to Rs.8,19,000/- [Rs.6,30,000/- (Rs.3750 x 12 x 14) + Rs.1,89,000/- (30% future prospects)].

The widow is awarded an amount of Rs.1,00,000/- for loss of consortium. The children are allowed an amount of Rs.2,25,000/- in equal share and mother Rs.50,000/- for loss of love and affection. The appellants shall be entitled to an amount of Rs.25,000/- each for expenses on funeral and loss of estate.

In view of the above, total compensation comes to Rs.12,44,000/- and the enhanced compensation is Rs.6,44,000/- (Rs.12,44,000/- - Rs.6,00,000/-), payable with interest at the rate of 7.5% per annum from the date of petition till realization. The enhanced compensation shall be shared by widow and children of the deceased in the ratio of 60:40. The enhanced compensation payable to the appellants shall be deposited in a Fixed Deposit Receipt for a period of three years.

Disposed of accordingly.

OCTOBER 4, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no