

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

**FAO-2207-2013 (O&M)
Date of decision: 25.01.2016**

Jasbir Kaur @ Jasvir Kaur

...Appellant

Versus

Durga Ram and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Achin Gupta, Advocate for the appellant.

Ms. Anamika Mehra, Advocate for respondent No.3.

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JITENDRA CHAUHAN, J.

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 30.11.2012, passed by the learned Motor Accident Claims Tribunal, Faridkot (for short, 'the Tribunal').

The learned counsel for the appellant contends that at the time of accident, age of the deceased Charanjot Singh was 19 years. No amount towards the future prospects and interest on the delayed payment have been awarded. The amount awarded under the conventional heads are on the lower side and deserves to be enhanced.

The learned counsel for the respondent-Insurance

Company has vehemently opposed the present appeal and states that the factum of being self employed is not proved on record.

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 died as a result of the accident. However, the assertion of the appellant that the deceased was self employed, is being disputed by the learned counsel for the respondent. There is sufficient evidence on record to suggest that the deceased was the only son of the appellant, the deceased was holding 8 acres of land and was agriculture and had bright future as progressive farmer. Therefore, the appellant cannot be denied compensation towards future prospects as laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***, an increase of 50% 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.7,000/- + 50% X 12 X 18 X 1/2 = Rs.11,34,000/-, as against an amount of Rs.7,56,000/-, assessed by the learned Tribunal under this head. Further, an amount of Rs.5,000/- was awarded towards the head 'cremation and last rites' and amount of Rs.20,000/- for 'loss of love and affection, which are on lower side. Accordingly, an amount of Rs.5,000/- awarded towards 'cremation and last rites' is enhanced to Rs.25,000/- and an

amount of Rs.20,000/- awarded towards loss of love and affection is enhanced to Rs.50,000/-.

In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.4,28,000/- [Rs.3,78,000/- (enhancement towards loss of dependency) + Rs.30,000/- (towards 'loss of love and affection', payable to the mother of the deceased only) + Rs.20,000/- (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. However, from the perusal of the record of the learned Tribunal, it reveals that interest was not allowed on the awarded amount, therefore, the appellant is also entitled for the interest @ 7.5% per annum from the date of claim petitions till its realization.

The enhanced amount along with the aforesaid interest shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, the appellant shall also be entitled to further 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.

25.01.2016

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ASHOK KUMAR
2016.02.25 11:06
I attest to the authenticity and
accuracy of this document

**(JITENDRA CHAUHAN)
JUDGE**