

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

**FAO No.2640 of 2013
Decided on: 12.07.2016**

Reena Devi and others

....Appellants

Versus

Swaran Singh and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Naresh Kaushik, Advocate
for the appellants.

Respondents No.1 and 2 already *ex parte*.

None for respondent No.3.

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

REKHA MITTAL, J.

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Panchkula (for brevity 'the Tribunal') in respect of death of Tek Chand in a motor vehicular accident on 18.12.2010.

The learned Tribunal assessed income of the deceased to the tune of Rs.4,210/-, allowed benefit of increase in income for future prospects to the extent of 30%, adopted multiplier of 17 and loss of dependency has been calculated at Rs.7,44,396/-. Under the conventional heads, a sum of Rs.10,000/- each has been awarded towards loss of consortium, loss of estate and funeral expenses, making total compensation to the tune of Rs.7,74,396/- payable to the claimants

with interest at the rate of 6% per annum from the date of filing of the petition till realization.

Counsel for the appellants would contend that the deceased was 29 years' old, therefore, increase in income for future prospects is required to be 50% in place of 30%. The compensation awarded under conventional heads requires enhancement in view of judgment of Hon'ble the Apex Court "***Rajesh and others Vs. Rajbir Singh and others***", 2013(3) R.C.R. (Civil) 170.

There is no representation on behalf of respondent No.3.

I have heard counsel for the appellants and perused the paperbook particularly the award passed by the learned Tribunal.

The learned Tribunal has allowed increase in income towards future prospects to the extent of 30% by relying upon judgment of Hon'ble the Apex Court "***Santosh Devi vs National Insurance Company Limited***", 2012(2) RCR (Civil) 882. However, in view of the later judgment passed by a three Judges Bench ***Rajesh and others case (supra)***, the appellants are entitled to benefit of increase in income towards future prospects to the extent of 50% as the deceased was less than 40 years of age. That being so, loss of dependency comes to **Rs.8,58,840/-** (Rs.6,315/- x 12 x 17 = Rs.12,88,260/- – Rs.4,29,420/-).

The widow of the deceased is allowed an amount of **Rs.1,00,000/-** towards loss of consortium and the claimants are allowed **Rs.50,000/-(Rs.25,000/- each)** for loss of estate and funeral expenses. The parents of the deceased namely Dashondi and Jagiro Devi shall be entitled to an amount of **Rs.1,00,000/- (Rs.50,000/- each)** for loss of love and affection. In this manner, the total compensation payable to the

claimants comes to **Rs.11,08,840/-**. The enhanced compensation is calculated at **Rs.3,34,444/-** (Rs.11,08,840/- – Rs.7,74,396/-). The enhanced compensation shall carry interest at the rate awarded by the Tribunal and shall be payable from the date of filing of the claim petition till realization.

The amount in respect of loss of love and affection allowed to the parents shall be payable to them in equal share and the remaining amount of enhanced compensation shall be payable to widow of the deceased. The compensation payable to widow shall be deposited in the shape of FDR in a nationalized bank for a period of one year.

12.07.2016
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(REKHA MITTAL)
JUDGE