

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

**FAO-2964-2013 (O&M)
Date of decision: 18.01.2016**

Asha Devi and ors.

...Appellants

Versus

Harpreet Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parshant Sethi, Advocate for
Mr. Vaibhav Sehgal, Advocate for the appellants.

Ms. Monika Jangra, Advocate for
Ms. Vandana Sharma, 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 13.08.2012, passed by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal').

The learned counsel for the appellants contends that the deceased Rama Shankar Jha was about 40 years of age at the time of his death in the accident. The claimants were fully dependent upon the earnings of the deceased. No enhancement has been allowed on account of future prospects, love and affection. The

amount awarded under the conventional heads is also on the lower side and deserves to be enhanced.

The learned counsel for the respondent-Insurance Company has vehemently opposed the present appeal.

I have heard the learned counsel for the parties and perused the record.

From the perusal of the award, it is noticed that the learned Tribunal did not award any compensation on account of the future prospects of the deceased. The deceased Rama Shankar Jha was 40 years at the time of death. Therefore, keeping in view the law laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***, an increase of 30% 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.3,000/- + 30% X 12 X 15 X 2/3 = Rs.4,68,000/-, as against the amount of Rs.3,60,000/-, assessed by the learned Tribunal under this head.

Furthermore, it is noticed that the learned Tribunal has awarded an amount of Rs.5,000/- for 'cremation and last rites' and Rs.5,000/- for 'loss of consortium', which in the opinion of this Court, are on the lower side. Accordingly, the amount of Rs.5,000/-, awarded under the head 'cremation and last rites' is

enhanced to Rs.25,000/- and Rs.5,000/-, awarded under the head 'loss of consortium' is enhanced to Rs.1,00,000/-. In view of law laid down in *Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776*, an amount of Rs.1,00,000/- is awarded to the children of the deceased for loss of love, care and guidance.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.3,23,000/- [1,08,000/- (enhancement towards loss of dependency) + Rs.20,000/- (enhancement towards cremation and last rites) + Rs.95,000/- (enhancement towards 'loss of consortium', payable to the wife of the deceased only) + Rs.1,00,000/- (towards loss of love, care and guidance payable to children of the deceased in equal share)] 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.

18.01.2016

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ASHOK KUMAR
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I attest to the accuracy and
authenticity of this document

**(JITENDRA CHAUHAN)
JUDGE**