

213-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3054 of 2013
Date of decision 05.09.2016

Gopi Ram @ Moji Ram and others.

... Appellants

Vs.

Randhir Singh and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL.

Present: Mr. Sandeep Goyat, Advocate
for the appellants.

Mr. Munish Gupta, Advocate,
for the respondent No. 1 and 2.

Mr. Subhash Goya, Advocate,
for respondent No. 8-M/s Bharti Axa Ltd.

1. *Whether Reporters of Local Newspapers 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 (ORAL)

The claimants are in appeal seeking enhancement of compensation in regard to death of Ramphal in a motor vehicular accident that occurred on 11.10.2010.

The Tribunal assessed income of the deceased at ₹ 5,000/- month, deducted 1/5th towards personal expenses, allowed multiplier of 13 to compute loss of dependency. Another amount of ₹ 20,000/- has been awarded for funeral expenses.

Counsel for the appellant has submitted that the Tribunal has assessed total compensation to the tune of ₹6,44,000/- but did not allow benefit of future prospects and compensation awarded under conventional heads needs addition and enhancement.

Counsel for the respondents have supported the award passed by the tribunal.

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I have heard learned counsel for the parties and perused the paper book particularly the award passed by the learned tribunal.

The deceased was 48 years old at the time of death and the claimants are entitled to benefit of future prospects to the extent of 30 % in the light of judgment of the Apex Court Rajesh and others Vs. Rajbir Singh and others, 2013 (9) SCC 65. Thus, claimants are entitled to compensation for loss of dependency to the tune of ₹4000 X 12 X 13 = ₹6,24,000 + ₹1,87,200 (future prospects @ 30%) = ₹ 8,11,200/-.

The children of the deceased shall be entitled to an amount of ₹2,50,000/- in equal share and mother shall be entitled to ₹50,000/- for loss of love and affection.

The appellants are awarded ₹25,000/- each for funeral expenses and loss of estate. The total compensation comes to ₹8,11,200/- + ₹2,50,000/- + ₹50,000/- + ₹25,000/- + ₹25,000 = ₹11,61,200/- and enhanced compensation is ₹11,61,200/- - ₹6,44,000/- = ₹5,17,200/-

The enhanced compensation shall carry interest @ 7.5% per month from the date of petition till realization.

The enhanced compensation shall be payable to children of the deceased in the following ratio: -

Pushpa	15%
Reena	15 %
Pinky	15%
Somvir	25 %
Sonia	30%

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The amount payable to Pinky, Sonia and Somvir shall be deposited in FDR(s) payable to them on attaining age of 21 years. The amount payable to Pushpa and Reena shall be deposited in FDR for a period of three years.

In view of the above observations, the appeal is partly allowed.

September 5, 2016
Suresh Kumar

[REKHA MITTAL]
JUDGE

Whether speaking / reasoned ***Yes / No***

Whether Reportable ***Yes / No***