

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

FAO-3633-2013 (O&M)
Date of Decision: 04.03.2016

Jasvir Kaur and others

...Appellants

Versus

Visakha Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Suri, Advocate
for the appellants.

Mr. B.P.S. Virk, Advocate
for respondents No.1 & 2.

Mr. Vinod Gupta, Advocate for respondent No.3.

JITENDRA CHAUHAN, J.

The present appeal has been preferred by the claimants-appellants, seeking enhancement of the amount of compensation awarded vide impugned award dated 10.05.2013, passed by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal').

2. It is contended that the multiplier of 14 has been wrongly applied by the learned Tribunal, keeping in view the age of the deceased between 32 to 35 years at the time of his death in the accident. It is further contended that nothing has been

awarded for future prospects and funeral expenses.

3. On the other hand, the learned counsel for the respondents opposes the prayer for enhancement of the compensation amount and state that just and reasonable compensation has already been awarded by the Tribunal.

4. I have heard the learned counsel for the appellants and perused the record.

5. It is evident from the perusal of post mortem report that deceased was 32 years of age at the time of the accident. The learned Tribunal has applied multiplier of 14. Therefore, keeping in view the law laid down in ***Smt. Sarla Verma Vs. DTC (2009) 6 SCC 121***, the multiplier of 14 is enhanced to 16. Furthermore, keeping in view the law laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***, an increase of 50% is ordered towards future prospects of the deceased. The deceased left behind his wife, two minor children and parents. Therefore, keeping in view the law laid down in *Smt. Sarla Verma's case (supra)*, the deduction of 1/3rd applied by the learned Tribunal is decreased to 1/4th. From the perusal of the impugned award, it emerges that the learned Tribunal, while treating the deceased at par with a casual labourer, has assessed his income at Rs.3,000/- per month. However, in the State of

Punjab, the minimum wages prescribed for an unskilled labourer at the relevant time were Rs.3,842/-. Therefore, this Court assesses the income of the deceased as Rs.3842/- per month. In this way, the amount of compensation towards the head 'loss of dependency' would come to Rs.3842/- + 50% X 12 X 3/4 X 16 = Rs.,29,872/- as against Rs.3,36,000/- awarded by the learned Tribunal.

6. It is further observed that the learned Tribunal has awarded an amount of Rs. 5000/- towards 'loss of consortium'. Accordingly, the same is enhanced to Rs. 1 lakh. The claimant-mother of the deceased is also awarded a sum of Rs.50,000/-, for loss of love and affection, in case she is alive and Rs.1 lakh to minor children.

7. The enhanced amount of compensation of Rs.7,38,872/- [Rs.4,93,872 (enhancement towards loss of dependency) + Rs.95,000/- (loss of consortium, payable only to the wife of the deceased) + Rs.50,000/- (loss of love and affection, payable to the mother of the deceased + Rs. 1,00,000/- to the minor children], as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable to the claimants in the same manner as mentioned in the award, 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.

04.03.2016

sumit.k

**(JITENDRA CHAUHAN)
JUDGE**

Note : Whether to be referred to Reporter : Yes / No.