

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

**FAO No.3900 of 2014
Date of decision : 28.03.2016**

Jasvir Kaur and others

.....Appellants

Versus

M/s Singla Construction Company and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

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

Present: Mr. Anil Kumar Spehia, Advocate for appellants.

Mr. Vinay Puri, Advocate for
Mr.D.K. Bhati, Advocate for respondent No.1.

Mr. Lalit Garg, Advocate for
respondent No.6-Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 10.03.2012 passed by learned Motor Accidents Claims Tribunal, Jalandhar (hereinafter called the 'Tribunal') vide which the appellants-claimants have been awarded the compensation to the tune of Rs.20,32,000/- on account of death of Jaswant Singh in the motor vehicular accident, which took place on the night intervening 19/20.01.2009.

2. The present appeal has been filed by the appellants-claimants for enhancement of the amount of compensation.

3. Learned counsel for the appellants contended that deceased was serving in the Punjab Police as a Head Constable. He was having the bright prospects of future promotion and appreciation in his salary with the length of service but the learned Tribunal has not awarded any amount towards the future prospects. He further contended that as per the age of the deceased, 30% of the income of the deceased should have been added towards future prospects. He further contended that no amount has been awarded to the children and parents towards loss of love and affection. Less amount has been awarded towards loss of consortium and funeral expenses. Thus, he contended that the compensation awarded by the learned Tribunal is inadequate.

4. On the other hand, learned counsel for respondent-Insurance Company contended that the learned Tribunal has already awarded a sum of Rs.20,32,000/- as compensation to the appellants-claimants which is just compensation. The appellants-claimants have been awarded compensation separately under all the heads by the learned Tribunal. Thus, he contended that there is no scope of any further enhancement in the amount of compensation.

5. I have duly considered the aforesaid contentions.

6. From the evidence brought on record, it is established that deceased Jaswant Singh was a Head Constable in the Punjab Police. PW2 HC Bahadur Singh has proved the salary certificate of deceased, which

shows that his monthly salary was Rs.15,049/-. There is no dispute that the deceased was working as Head Constable in the Punjab Police. There were bright prospects of getting the promotions and appreciation of salary. But the learned Tribunal has not added any amount towards the future prospects to the income of the deceased. The date of birth of deceased Jaswant Singh as per the service record was 10.01.1969. This accident has taken place on the night intervening 19/20.01.2009. Thus, on the date of accident, he has crossed the age of 40 years. 30% of his income shall be added towards future prospects. In this way, the total monthly income comes to Rs.19,563/-. $\frac{1}{4}$ th of his income shall be deducted towards his living and personal expenses. The remainder comes to Rs.14,673/- (19,563 - 4890). The annual income comes to Rs.1,76,076/- (14673 x 12). In view of the age of the deceased multiplier of 14 shall be applicable. Thus, the loss of dependency comes to Rs.24,65,064/- (1,76,076 x 14).

7. The learned Tribunal has awarded only Rs.5000/- towards loss of consortium and Rs.2000/- toward funeral expenses. The said amount is very less. Appellant-claimant No.1 the widow of deceased Jaswant Singh shall be entitled to a sum of Rs.1,00,000/- towards loss of consortium. The claimants No.2 & 3 the minor children of deceased shall be entitled to a sum of Rs.1,00,000/- on account of loss of love, care and guidance. Mahinder Kaur, the mother of deceased shall also be entitled to a sum of Rs.1,00,000/- on account of loss of love and affection of her son. The claimants shall also be entitled to sum of Rs.25,000/- towards

funeral expenses. In this way, the total amount of compensation comes to Rs.27,90,064/-

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced to Rs.27,90,064/- from Rs.20,32,000/- as awarded by the learned Tribunal. The claimants shall be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as awarded by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

28.03.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**