

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

FAO No.4869 of 2013

Date of decision : 27.08.2016

Mrs. Suman Uppal and others

.....Appellants

Versus

Surinder Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. D.S. Kahlon, Advocate for appellants.

Mr. S.K. Yadav, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 04.07.2013, passed by the learned Motor Accidents Claims Tribunal, Pathankot (hereinafter called the 'Tribunal') vide which the appellants-claimants have been awarded a sum of ₹4,59,500/- as compensation along with interest @ 9% per annum on account of death of Ms. Manisha Uppal as a result of injuries suffered by her in the motor vehicular accident, which took place on 25.08.2012.

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

3. I have heard learned counsel for the parties and gone through the record meticulously.

4. Learned counsel appearing for the appellants-claimants contended that there is arithmetical error in calculation of computation in

the impugned award. He contended that learned Tribunal has determined the loss of dependency to be ₹5,40,000/-. ₹9500/- were awarded on account of general damages and thus the total comes to ₹5,49,500/- but the award of only ₹4,59,500/- has been passed. He further contended that learned Tribunal has not awarded any compensation for the loss of love and affection to the parents and the funeral expenses. Thus, he contended that the compensation awarded by the learned Tribunal is inadequate.

5. On the other hand, learned counsel for the respondent-Insurance Company contended that the learned Tribunal has awarded the just compensation. He contended that the impugned award does not call for any interference.

6. I have duly considered the aforesaid contentions.

7. The deceased was 21 years of age. As per the documents brought on record, she has acquired the educational qualification of B.C.A. and was doing the B. Ed. But there was no proof of income of the deceased. So, the learned Tribunal has rightly assessed her income to be ₹5000/- per month *i.e.* ₹60,000/- per annum. The learned Tribunal has further rightly deducted 50% of the income of the deceased towards her personal and living expenses as she was unmarried. So, the remainder comes to ₹30,000/-. As per the age of the deceased, the multiplier of 18 was applicable. So, the loss of dependency comes to ₹5,40,000/-.

8. In addition to that, the claimants shall be entitled to ₹1,00,000/- towards loss of love and affection of their daughter. They will also be entitled to ₹25,000/- towards transportation and funeral expenses.

Thus, the total amount of compensation comes to ₹6,65,000/-.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellants-claimants is enhanced to ₹6,65,000/- from ₹4,59,500/- as awarded by the Tribunal. The appellants-claimants shall also be entitled to the interest on the enhanced amount at the rate as assessed by the learned Tribunal from the date of filing the claim petition till realisation. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

27.08.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No