

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

**FAO No.4770 of 2014
Decided on: 21.09.2016**

Nirmala Devi and another

....Appellants

Versus

Punjab State Bus Stand Management Company Limited and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Barjinder Singh, Advocate
for Mr. Nitin Mittal, Advocate
for the appellants.

Mr. B.S. Sra, Addl. A.G. Punjab.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Rajeev Kumar Giri @ Sanjeev Kumar Siri in a motor vehicular accident that took place on 22.09.2012.

The learned Tribunal assessed income of the deceased at Rs.12,000/- per month, allowed benefit of future prospects to the extent of 30%, deducted 1/3rd towards personal expenses and adopted a multiplier of 17 to compute loss of dependency to the tune of Rs.21,21,600/-. In addition, an amount of Rs.50,000/- has been awarded for consortium to the widow and Rs.5,000/- each for funeral expenses and loss of estate making total compensation to the tune of Rs.21,81,600/-.

Counsel for the appellants has submitted that benefit of increase in income towards future prospects should be 50% instead of 30% as the deceased was 28 years old. The compensation awarded

under conventional heads needs re-look, addition and enhancement.

Counsel for the contesting respondents has supported the award.

I have heard counsel for the parties and perused the paperbook particularly the award passed by the learned Tribunal.

It is an undisputed position of the case that the deceased was 28 years old at the time of death. Though, the learned Tribunal has referred to judgment of Hon'ble the Supreme Court of India "*Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*", 2009(3) R.C.R. (Civil) 77, but still did not give benefit of future prospects to the extent of 50%. The claimants shall be entitled to increase in income for future prospects to the extent of 50%. The loss of dependency comes to **Rs.24,48,000/-** (Rs.12,000/- x 12 x 17 = Rs.24,48,000/- + Rs.12,24,000/- (50% for future prospects) = Rs.36,72,000/- – Rs.12,24,000/- (1/3rd deduction towards personal expenses).

Under conventional heads, Smt. Nirmala Devi, widow of the deceased shall be entitled to an amount of **Rs.1,00,000/-** towards consortium. Smt. Mosmat Sonavati Devi, is awarded an amount of **Rs.50,000/-** for loss of love and affection. The appellants shall be entitled to an amount of **Rs.25,000/- each** for funeral expenses and loss of estate. In this way, total compensation comes to **Rs.26,48,000/-**. The enhanced compensation is **Rs.4,66,400/-** (Rs.26,48,000/- – Rs.21,81,600/-), payable with interest @ 7.5% per annum from the date of petition till realization.

The enhanced compensation shall be shared by the widow

and mother of the deceased in the ratio of 90% and 10%. The amount payable to widow of the deceased shall be deposited in the shape of FDR for a period of three years.

The appeal is partly allowed in the aforesaid terms.

21.09.2016
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No