IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO 5837 of 2013 (O&M)
Date of decision: 25.07.2016

Harminder Kaur .... *Appellant*

Versus

Gurmeet Singh and others ....*Respondents*

Coram: **Hon'ble Mrs. Justice Rekha Mittal**

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Present: Mr. Vijay Lath, Advocate
for the appellant

Mr. Sukhdarshan Singh, Advocate
for respondent No. 3

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

Rekha Mittal, J.

The claimant/appellant is in appeal seeking enhancement of compensation assessed by the Motor Accident Claims Tribunal, Rupnagar (for brevity, 'the Tribunal') vide award dated 10.07.2013 in regard to death of her son Devinder Singh in a motor vehicular accident that occurred on 14.08.2010 due to rash and negligent driving of Truck bearing registration No. HP 24-A-2513 by its driver Gurmeet Singh-respondent No. 1.

The learned Tribunal assessed income of the deceased at Rs.6,000.00 per month, allowed deduction to the extent of 1/2 for personal expenses, adopted multiplier of 13 and computed loss of dependency to the tune of Rs.4,68,000.00. Further compensation under conventional heads has been awarded i.e Rs.10,000.00 for transportation and expenses of funeral. The total compensation awarded by the tribunal comes to Rs.4,78,000.00.

Counsel for the appellant contends that the learned Tribunal has wrongly assessed income of the deceased at Rs.6,000.000 per month whereas he used to earn Rs.15,000.00 per month. It is argued that in view age of the deceased i.e. 25 years, a multiplier of 18 instead of 13 is required to be applied. It is further argued that 50% increase in income for future prospects and increase under conventional heads is required in view of judgments of Hon'ble the Supreme Court ***Rajesh and others v. Rajbir Singh and others (2013) 9 SCC 54*** and ***Vimal Kanwar and others vs. Kishore Dan and others 2013 (2) RCR (Civil) 945***. The last submission made by counsel is that the Tribunal has awarded interest @ 6% per annum in place of 12% per annum.

Counsel for the contesting respondent No. 3 i.e. Insurance Company has supported the award passed by the learned Tribunal.

I have heard counsel for the parties and perused the records.

No tangible, clear and satisfactory evidence has been adduced to prove income of the deceased. As such, the Tribunal has rightly assessed income at Rs.6,000.00 per month. After deducting ½ towards his personal expenses, the tribunal calculated dependency at Rs.3,000.00 per month. The claimant shall be entitled to benefit of increase in income for future prospects to the extent of 50% in view of enunciation laid down in *Rajesh's* case (supra). Thus, loss of dependency comes to Rs.9,72,000.00 (Rs.3,000.00x 12 x 18) + (Rs.3,24,000.00) (50% for future prospects). Appellant-Harminder Kaur, mother of the deceased shall be entitled to an amount of Rs.50,000.00.00 towards love and affection. The appellant/claimant shall also be entitled to a sum of Rs.25,000.00 towards expenses of funeral and last rites. In view of the above, total compensation payable to the claimant comes to **Rs.10,47,000.00** (Rs.9,72,000.00 + Rs.50,000.00 + Rs.2,50,000.00) and enhanced compensation is calculated at **Rs.5,69,000.00** (Rs.10,47,000.00 – Rs.4,78,000.00) which shall carry interest @ 7.5% per annum from the date of filing of petition till realization. The enhanced compensation shall be deposited in a FDR with a nationalized Bank for three years.

Disposed of accordingly.

(Rekha Mittal)
Judge

25.07.2016
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