

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

FAO-6006-2013 (O&M)

Date of decision: 02.02.2016

Nisha Rani and others

...Appellants

Versus

Sukhchain Singh @ Channa and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gitish Bhardwaj, Advocate for the appellants.

Mr. Paul S. Saini, Advocate for respondent No.3.

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JITENDRA CHAUHAN, J.

CM-24753-CII of 2013

For the reasons contained in the application, same is allowed and delay of 106 days in filing the appeal is condoned.

Main Case

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 15.04.2013, passed by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal').

The learned counsel for the appellants contends the amount awarded under the conventional heads are on the lower side and deserves to be enhanced.

The learned counsel for the respondent-Insurance Company has vehemently opposed the present appeal.

I have heard the learned counsel for the parties and perused the record.

The fact of accident is admitted and proved on record. It stands established that the deceased had died as a result of the accident.

From the perusal of the award, it is noticed that the learned Tribunal did not award any compensation on account of the future prospects. As per the record the deceased was 29 years of age at the time of his death. Therefore, keeping in view the law laid down in **Rajesh Vs. Rajbir Singh (SC), 2013(3) R.C.R. (Civil), 170**, an addition of 50% is ordered in the actual income of the deceased towards future prospects.

Further, keeping in view the age of the deceased, the multiplier of 17 deserves to be applied, in view of the judgments delivered by the Hon'ble Supreme Court in ***Sarla Verma vs. DTC 2009 (3) RCR (Civil) 77 and Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315.***

In this way, the amount of compensation under the head

of 'loss of dependency' comes to Rs.6,000/- + 50% X 12 X 17 X $\frac{2}{3}$ = Rs.12,24,000/-, as against an amount of Rs.7,20,000/-, assessed by the learned Tribunal under this head.

Further, an amount of Rs.5,000/- has been awarded towards the head 'loss of consortium' and amount of Rs.5,000/- has been awarded under 'cremation and last rites'. Accordingly, in view the law laid down in ***Rajesh Vs. Rajbir Singh (SC), 2013(3) R.C.R. (Civil), 170*** another amounts of Rs.95,000/- and Rs.20,000/- are awarded towards 'loss of consortium' payable to the wife of the deceased only and 'cremation and last rites', respectively.

Furthermore, following the law laid down in ***Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776***, an amount of Rs.1,00,000/- is awarded to the children of the deceased for loss of love, care and guidance, in equal shares.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.7,19,000/- [Rs.5,04,000/- (enhancement towards 'loss of dependency') + Rs.95,000/- (enhancement towards 'loss of consortium', payable to the wife of the deceased only) + Rs.20,000/- (enhancement towards the head 'cremation and last rites' + Rs.1,00,000/- (towards loss of love, care and affection payable to the children of the deceased

only] as indicated above, in the manner prescribed in the impugned award, over and above the amount already awarded by the learned Tribunal, which shall be payable 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.

02.02.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**