241 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4073 of 2015(O&M)
Date of decision : 25.10.2016

Babli and others .... Appellants

versus

Prem Singh and others .... Respondents

CORAM : HON'BLE MRS. JUSTICE REKHA MITTAL

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Present: Mr. Vaibhav Jain, Advocate for the appellants.

Mr.F.S.Virk, Advocate for respondents No.1 and 2.

Mr.G.S.Ahluwalia, Advocate for respondent No.3.

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<u>REKHA MITTAL J. (Oral)</u>

The claimants are in appeal seeking enhancement of compensation in respect of death of Shiv Charan in a motor vehicular accident that took place on 26.09.2010.

The Motor Accidents Claims Tribunal, Jhajjar(in short "the Tribunal) assessed income of the deceased at Rs. 5000/-per month, deducted 1/3rd for personal expenses, adopted multiplier of 15 to compute loss of dependency at Rs. 6,00,120/-. In addition, a sum of Rs.1 lac towards loss of consortium, Rs.25,000/- for funeral expenses and Rs.5000/- for loss of estate has been awarded, making total compensation to Rs. 7,30,120/- payable with interest at the rate of 6% per annum from the date of petition till realisation.

Counsel for the appellants would contend that the Tribunal has not allowed benefit of future prospects to the extent of 50% and compensation awarded under conventional heads needs enhancement.

Counsel for the insurance company, on the contrary, has supported the award with the submission that the matter with regard to grant of future prospects is pending consideration before Hon'ble the Supreme Court of India.

I have heard counsel for the parties, perused the paper book particularly the award passed by the learned Tribunal.

The mere fact that a reference is pending before Hon'ble the Supreme Court of India is not sufficient to deny benefit of future prospects till the judgment in ***Rajesh and others v. Rajbir Singh and others (2013)3 RCR(Civil) 170*** is set aside. In this manner, loss of dependency comes to Rs.6,00,120/- + Rs. 3,00,060/-= Rs. 9,00, 180/-.

Under conventional heads, in addition to the amount already awarded by the Tribunal, the claimants would be entitled to an amount of Rs. 1.5 lacs for loss of love and affection to the minor children in equal share and another amount of Rs. 20,000/- for loss of estate. The total compensation comes to Rs.12,00,180/-and the enhanced compensation is Rs. 4,70,060/-. The enhanced compensation shall carry interest at the rate of 7.5% per annum from the date of petition till realisation . The same shall be payable exclusively to minor children of the deceased, to be deposited in fixed deposit receipts in any nationalised bank and payable on their attaining the age of majority. The interest accrued on FDRs would be payable to mother of the minors for incurring expenses on their education etc.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

October 25, 2016
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No