

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

FAO-5840-2014 (O&M)
Date of decision: 05.05.2016

Smt. Maya Devi and others

...Appellants

Versus

Ranjeet Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S. K. Gupta, Advocate
for the appellants.

Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate
for respondent No.4.

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JITENDRA CHAUHAN, J.

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 05.12.2013, passed by learned Motor Accidents Claims Tribunal, Narnaul (for short, 'the Tribunal').

The learned counsel for the appellants contends that the learned Tribunal has erroneously made the deduction to the extent of 1/3 ignoring the fact that the number of dependents being five the same ought to have been 1/4. It is further contended that the learned Tribunal wrongly applied the multiplier of 14 as the age of the deceased, Ved Prakash was 32 years at the time of accident. Nothing has been awarded towards future prospects and loss of love and affection.

On the other hand, the learned counsel for respondent No.4 has vehemently opposed the present appeal and state that a just and reasonable compensation has already been awarded to the appellants.

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

From the perusal of the award, it is noticed that the learned Tribunal did not award any compensation on account of the future prospects. It is not in dispute that the deceased, Ved Prakash was 32 years of age at the time of his death. The deceased was working as operator with pipe factory. He was the only earning member of the family. Therefore, keeping in view the law laid down in ***Rajesh Vs. Rajbir Singh, 2013(3) R.C.R. (Civil), 170 (SC)***, an addition of 50% is ordered in the actual income of the deceased towards future prospects. However, as the matter pertaining to the future prospects is pending adjudication before Hon'ble the Supreme Court in SLP (Civil) No.16735 of 2014, therefore, the amount of future prospects be released on furnishing of adequate indemnity bonds by the appellants.

Keeping in view the age of the deceased, the appropriate multiplier is '16' instead of '14'. Accordingly, multiplier of '16' is applied. Further, in view of the size of family deduction should be $\frac{1}{4}^{\text{th}}$, in view of the judgments delivered by Hon'ble the Supreme Court in ***Sarla Verma vs. DTC 2009 (3) RCR (Civil) 77***.

In this way, the amount of compensation under the head of 'loss of dependency' comes to Rs.7000/- + 50% X 12 X 16 X $\frac{3}{4}$ = ₹15,12,000/-, as against an amount of ₹7,84,056/-, assessed by the

learned Tribunal under this head.

Furthermore, following the law laid down in *Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776*, amount of ₹1,00,000/- towards loss of love and affection shall be payable to the children of the deceased, in equal shares.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of ₹8,27,944/- [₹7,27,944/- (enhancement towards 'loss of dependency') + ₹1,00,000/- (enhancement towards loss of love and affection payable to the children of the deceased, in equal shares)] 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.

05.05.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**