

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

**FAO No.6125 of 2014
Decided on: 05.10.2016**

Satinder Kaur and others	Versus	Appellants
Sarwan Singh and others		Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. B.S. Jaswal, Advocate for the appellants.

Mr. Gopal Mittal, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Gurvail Singh in a motor vehicular accident that took place on 04.06.2013.

The Tribunal assessed income of the deceased at Rs.9,000/- per month, deducted 50% towards personal expenses and adopted a multiplier of 18 to compute loss of dependency to the tune of Rs.9,72,000/-. In addition, an amount of Rs.5,000/- each has been awarded for funeral expenses and loss of estate making total compensation to the tune of Rs.9,82,000/- payable with interest @ 6% per annum from the date of petition till realization in case the compensation is not paid within a period of two months.

Counsel for the appellants has submitted that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 50% in the light of judgment "***Rajesh and others Vs. Rajbir Singh and others***", 2013(3) R.C.R. (Civil) 170. The compensation awarded under conventional heads needs enhancement.

Counsel for the insurance company has supported the

award with the submission that the matter with regard to future prospects is pending consideration before a Larger Bench, the claimants are not entitled to the said benefit.

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

Be that as it may, the Tribunal has not allowed benefit of future prospects. The mere fact that a reference is pending before a Larger Bench is not sufficient to deny the said benefit till the judgment Rajesh and others case (supra) is varied or set-aside. In this manner, loss of dependency comes to **Rs.14,58,000/-** (Rs.9,000/- x 12 x 18 = Rs.19,44,000/- + Rs.9,72,000/- (50% for future prospects) = Rs.29,16,000/- – Rs.14,58,000/- (50% deduction towards personal expenses).

The claimants shall be entitled to an amount of **Rs.25,000/- each** for funeral expenses and loss of estate. The mother of the deceased is awarded an amount of **Rs.50,000/-** for loss of love and affection. In this way, total compensation comes to **Rs.15,58,000**. The enhanced compensation is **Rs.5,76,000/-** (Rs.15,58,000/- – Rs.9,82,000/-), payable with interest @ 7.5% per annum from the date of petition till realization and the same shall be payable exclusively to mother of the deceased. The enhanced compensation shall be deposited in the shape of FDR for a period of two years.

The appeal is partly allowed in the aforesaid terms.

05.10.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No