

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

FAO-6175-2014 (O&M)
Date of decision: 07.01.2016

RAJESH & OTHERS

...Appellants

Versus

SATNAM SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Shubham Kaushik, Advocate,
for the appellants.

Mr. Banni Thomas, Advocate,
for respondent No.3.

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JITENDRA CHAUHAN, J.

1. The present appeal has been preferred by the claimant-appellants, seeking enhancement of the amount of compensation awarded vide impugned award dated 25.01.2014, passed by the learned Motor Accident Claims Tribunal, Bhiwani (for short, 'the Tribunal').

2. Learned counsel for the appellants contends that the income of the deceased has been assessed on the lower side. Nothing has been granted towards future prospects of the deceased. The amount of compensation under the conventional heads is also inadequate and deserves to be enhanced.

3. On the other hand, the learned counsel for the respondent-Insurance Company have vehemently opposed the present appeal.

4. I have heard learned counsel for the parties and gone through the record.

5. In the instant case, the deceased was 39 years of age at the time

of the accident. Perusal of the impugned order reveals that the learned Tribunal has assessed the income of the deceased as Rs.5100/- per month which in the opinion of this Court, is on the lower side. Accordingly, the same is enhanced to Rs.5500/- per month. Furthermore, the learned Tribunal has not awarded any compensation towards the future prospects of the deceased. Therefore, keeping in view the age of the deceased, an increase of 30% to the actual income of the deceased is ordered on account of future prospects in view of the law laid down by Hon'ble the Apex Court in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54.***

6. In this way, the compensation amount on account of 'loss of dependency' would come to Rs.5500/- + 30% X 12 X 2/3 X 15 = Rs.8,57,880/-, as against the amount of Rs.6,12,000/-, assessed by the learned Tribunal, under this head.

7. It is further observed that the learned Tribunal has awarded a consolidated amount of Rs.20,000/- under the heads of 'loss of consortium', 'loss of estate' and for funeral expenses', which is inadequate and deserves to be enhanced. Accordingly, an amount of Rs.1 lac is granted to the claimant-wife under the head loss of consortium whereas another amount of Rs.1 lac is awarded to the minor child for loss of love, care and guidance. An amount of Rs.25,000/- is granted as funeral expenses. The amount of Rs.20,000/- already awarded under three different heads shall be treated as compensation under the head of 'loss of estate' only.

8. In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.4,70,880/- [Rs.8,57,880/- - Rs.6,12,000/- (enhancement towards loss of dependency) + Rs.1,00,000/- (loss of consortium, payable to the wife of the deceased only) +

Rs.1,00,000/- (loss of love, care and guidance, payable to the minor son of the deceased) + Rs.25,000/- (funeral expenses), as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 60 days from the date of receipt of a certified copy of this judgment, failing which, they shall also be entitled to interest @ 6% per annum, from the date of filing the present appeal, till its realization.

9. With the aforesaid modification in the impugned award, the present appeal is partly allowed.

07.1.2016
SwarnjitS

(JITENDRA CHAUHAN)
JUDGE