

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

**FAO No.5538 of 2015  
Decided on: 08.09.2016**

Jaswinder Kaur and others

....Appellants

Versus

Balwinder Singh and others

....Respondents

**CORAM: HON'BLE MRS JUSTICE REKHA MITTAL**

**Present :** Mr. Deepak Aggarwal, Advocate  
for the appellants.

Mr. Kulwinder Singh, Advocate  
for Mr. Sanjeev Goyal, Advocate  
for respondent No.3.

**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation in regard to death of Sukhdev Singh in a motor vehicular accident that took place on 15.12.2013.

The learned Tribunal assessed income of the deceased at Rs.4,500/- per month, deducted 1/3<sup>rd</sup> towards personal expenses, adopted a multiplier of 15 to compute loss of dependency to the tune of Rs.5,40,000/-. In addition, an amount of Rs.1,00,000/- has been awarded for consortium to the widow and Rs.25,000/- on account of funeral expenses, making total compensation to the tune of Rs.6,65,000/- payable with interest @ 7.5% per annum from the date of petition till realization.

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% and compensation awarded under conventional heads needs enhancement by allowing compensation for loss of estate and

loss of love and affection to the claimants.

Counsel for the insurance company has submitted that as the matter with regard to grant of future prospects is pending consideration before a Larger Bench in view of reference made in ***“National Insurance Company Limited Vs Pushpa and others”*** vide ***SLP No.8058/2014***, the appellants are not entitled to the said benefit.

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

The claimants are widow, son and daughter of deceased Sukhdev Singh. The learned Tribunal has not given benefit of future prospects in the light of judgment ***“Rajesh and others Vs. Rajbir Singh and others”***, 2013(3) R.C.R. (Civil) 170. The mere fact that the matter is pending before a Larger Bench of Hon'ble the Supreme Court of India is not sufficient to deny the said benefit till the judgment in ***Rajesh and others case (supra)*** is varied or set-aside. In this manner, compensation for loss of dependency comes to ***Rs.8,10,000/-*** (Rs.4,500 x 12 x 15 = Rs.8,10,000/- + Rs.4,05,000/- (50% for future prospects) = Rs.12,15,000/- – Rs.4,05,000/- (1/3<sup>rd</sup> deduction towards personal expenses).

The appellants shall be entitled to an amount of ***Rs.25,000/-*** for loss of estate. The children of the deceased are awarded an amount of ***Rs.1,50,000/-*** in equal share for loss of love and affection of their father. The amount of ***Rs.1,00,000/-*** in respect of loss of consortium to widow and ***Rs.25,000/-*** for funeral expenses awarded by the Tribunal shall remain intact. In this way, total compensation payable to the appellants comes to ***Rs.11,10,000/-***. The enhanced compensation

is **Rs.4,45,000/-** (Rs.11,10,000/- – Rs.6,65,000/-), payable with interest @ 7.5% per annum from the date of filing of the petition till realization exclusively to minor children, shall be deposited in the shape of FDR in a nationalized bank for a period of three years or till they attain the age of majority whichever is later.

The appeal is partly allowed in the aforesaid terms.

**08.09.2016**  
*yakub*

**(REKHA MITTAL)**  
**JUDGE**

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