

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

FAO-7413 of 2014 (O&M)
Date of decision: 11.02.2016

Nisha Sharma and others

...Appellant(s)

Versus

Irfan and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rose Gupta, Advocate,
for the appellant.

Mr. D.K. Prajapati, Advocate,
for Mr. R.S. Madan, Advocate,
for respondent No. 3.

JITENDRA CHAUHAN, J.

This appeal is directed against the award dated 23.04.2014, passed by Learned Motor Accident Claims Tribunal, Faridabad, (for short 'the Tribunal') vide which the compensation of Rs. 22,53,000/- along with interest @ 9 % per annum from the date of filing the petition was awarded to the claimants.

The claimants i.e widow, minor daughter, minor son, father, mother and the brother of the deceased Manoj filed claim petition Under Section 166 and 140 of Motor Vehicle Act. Keeping in view the salary certificate Ex. PW3/B, the learned Tribunal held the income of the deceased as Rs. 7100/- per month. An addition of 50%

was allowed upon the income of the deceased on account of future prospects and accordingly the income was assessed at Rs. 10,650/- per month. Keeping in view the size of the family, 1/4th deduction was made from the income of the deceased towards personal expenses and the monthly loss of dependency was assessed to Rs. 8,000/-. Multiplier of 18 was applied and the compensation was assessed as Rs. 17,28,000/-. A sum of Rs. One lac was awarded towards loss of Estate and loss of consortium. Besides this, petitioners No. 1 to 3 i.e widow and the children and petitioner No. 5 i.e mother were awarded Rs. One lac each towards loss of love and affection and a sum of Rs. 25,000/- was also awarded on account of funeral expenses. A total compensation of Rs. 22,53,000/- was awarded to the claimants.

This Court is of the opinion that the compensation has been awarded keeping in view the judicial pronouncements of the Hon'ble Apex Court rendered in "*Sarla Verma and others Vs. Delhi Transport Corporation*", 2013 ACJ 1403, "*Rajesh and others Vs. Rajbir Singh and others*" and "*Vimal Kanwar and others Vs. Kishore Dan and others*". There is no scope of interference so far as the assessment of income, application of multiplier and deduction of amount is concerned. The amount of Rs. 1 lac on account of loss of love and affection has been rightly awarded. Similarly, the claimants have rightly been awarded Rs. 25,000/- for funeral expenses. However, nothing has been awarded towards transportation expenses.

Accordingly, another sum of Rs. 5,000/- is awarded to the claimants on

account of transportation expenses.

In view of the above, the claimants-appellants are held entitled to the enhanced compensation of Rs. 5,000/- as indicated above, 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, falling which, he shall also be entitled to interest @ 7.5% p.a., from the date of filing the present appeal, till its realization.

11.02.2016

sumit

(JITENDRA CHAUHAN)
JUDGE