

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

FAO No.7531 of 2014 (O&M)

Date of decision : 22.04.2016

Satya Kaur and others

.....Appellants

Versus

Harwinder Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Gurcharan Singh, Advocate for the appellants.
 Mr. Gopal Mittal, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 03.04.2014 passed by the learned Motor Accidents Claims Tribunal, Fatehgarh Sahib (hereinafter called the 'Tribunal') vide which the appellants-claimants have been awarded a sum of Rs.7,55,000/- as compensation on account of death of Kashmira Singh in the motor vehicular accident, which took place on 03.12.2012.

2. The present appeal has been preferred by the appellants-claimants for enhancement of the amount of compensation.

3. Learned counsel for the appellants-claimants contended that the learned Tribunal has not awarded any future prospects towards the income of the deceased. As per the age of the deceased, 30% of his income should have been awarded towards future prospects. No amount has been awarded for loss of love and affection to the mother of the deceased. Thus, he contended that the compensation awarded by the learned Tribunal is inadequate.

4. On the other hand, Mr. Gopal Mittal, Advocate, learned counsel for the respondent-Insurance Company contended that the deceased was only a casual worker. He was not having any permanent job having regular increments. Thus, the claimants were not entitled for any future prospects towards the income of the deceased. He further contended that the just compensation has been awarded by the learned Tribunal under all the heads.

5. I have duly considered the aforesaid contentions.

6. The deceased was 45 years of age at the time of the accident/death. He was hale and hearty. The learned Tribunal has taken the income of the deceased to be Rs.5000/- per month *i.e.* Rs.60,000/- per annum treating him to be a manual labourer. It is a fact of common knowledge that even the income of the manual labourer increases with the passage of time. The Hon'ble Apex Court in cases ***Rajesh and others Vs. Rajbir and others 2013(3) RCR (Civil) 170*** and ***Munna Lal Jain and another Vs. Vipin Kumar Sharma and others 2015(3) PLR 304***, has laid down that future prospects are even admissible to the persons who

are self-employed. So, the future prospects should have been added to the income of the deceased. In view of the age of the deceased, 30% of the income of the deceased is required to be added to his income towards future prospects. The annual income of the deceased after adding the future prospects comes to Rs.78,000/-. There were four dependents. So, 1/4th of the income of the deceased shall be deducted towards his personal and living expenses. The remainder comes to Rs.58,500/-. In view of the age of the deceased, the multiplier of 14 shall be applicable. Thus, the loss of dependency comes to Rs.8,19,000/-. In this way, the loss of dependency is increased to Rs.8,19,000/- instead of Rs.6,30,000/- as determined by the learned Tribunal.

7. The learned Tribunal has also not awarded any amount to the appellants-claimants Smt. Nasib Kaur, the mother of the deceased on account of loss of love and affection towards her son. She will be entitled to a sum of Rs.1,00,000/- on account of the loss of love and affection of her son.

8. With the aforesaid increase, the amount of compensation payable to the appellants-claimants will be as under:-

Sr. No.	Compensation heads	Amount in rupees
1.	Loss of dependency	8,19,000
2.	Loss of consortium	1,00,000
3.	Loss of love and affection to mother	1,00,000
4.	Funeral expenses	25,000
Total		10,44,000

9. In this way the amount of compensation is enhanced to

Rs.10,44,000/- instead of Rs.7,55,000/- as awarded by the learned Tribunal.

10. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellants-claimants is enhanced to Rs.10,44,000/- from Rs.7,55,000/- as awarded by the Tribunal. The appellants-claimants shall be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

22.04.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**