

FAO No. 7769 of 2014(O&M)

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In the High Court of Punjab and Haryana at Chandigarh

FAO No. 7769 of 2014(O&M)

Date of Decision:9.9.2016

Aasha and others

---Appellants

vs.

Satyawan Khalsa and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Dr.Naresh Kaushik, Advocate
for the appellants
None for respondent No. 1
Mr. Vinod Chaudhri, Advocate
for respondent No. 2

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation in regard to death of Babu Ram in a motor vehicular accident

that took place on 29.4.2012.

The Motor Accident Claims Tribunal, Panchkula (in short “the Tribunal”) has assessed income of the deceased at Rs. 6250/- per month, deducted 1/4th for personal expenses, adopted multiplier of 13 to compute loss of dependency. In addition, the widow has been awarded an amount of Rs. 1,00,000/- for loss of consortium, Rs.25,000/- for loss of love and affection to the Children and Rs. 25,000/- for funeral expenses.

Counsel for the appellants has submitted that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 30% as the deceased was 47 years of age. Compensation awarded under conventional heads needs enhancement.

Counsel for the insurance company, on the other hand, has supported the award passed by the Tribunal.

I have heard counsel for the parties, perused the paper book particularly the award passed by the Tribunal.

The claimants have not been allowed benefit of future prospects in the light of judgment **Rajesh and others vs. Rajbir Singh and others (2013)3 RCR (Civil) 170**. As the deceased was 47 years of age,

benefit of future prospects to the extent of 30% is allowed to compute loss of dependency. In this manner, loss of dependency comes to Rs.7,31,250 + Rs. 2,19,375/-(30% future prospects)= Rs.9,50,625/-.

The deceased left behind two minor children namely Lalita and Meenakshi. The minors are awarded an amount of Rs. 1,50,000/- in equal share and Kapuri Devi, mother is awarded an amount of Rs. 50,000/- for loss of love of affection. The claimants shall be entitled to an amount of Rs. 25,000/- for loss of estate. The total compensation comes to Rs. 13,00,625/- (Rs. 9,50,625 + 1,00,000 + 25,000 + 25,000 +1,50,000 +50,000) and the enhanced compensation is Rs. 4,19,375/- (Rs. 13,00,625/- minus Rs. 8,81,250/-)The enhanced compensation shall be payable to the minor children in equal share with interest at the rate of 7.5% from the date of petition till realization. The same shall be deposited in fixed deposit receipts payable to them on attaining the age of majority.

Appeal stands disposed of.

(Rekha Mittal)
Judge

9.9.2016
paramjit

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