

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

FAO No.8304 of 2014 (O&M)

Date of Decision: May 17, 2016

Dalbir Kaur and others

...Appellants

Versus

Hira Singh and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Anil Kumar Spehia, Advocate for the appellants.

Mr.Ajaib Singh, Addl. AG, Punjab for
respondents – State of Punjab.

HARINDER SINGH SIDHU, J.

For the reasons stated in the application, the delay of 388 days in filing the appeal is condoned.

Kashmir Singh, an agriculturist, aged about 52 years, died in a vehicular accident on 6.6.2009, due to rash and negligent driving of bus No.PB-02-AQ-9939. On a claim petition, the Motor Accident Claims Tribunal, Jalandhar (for short 'the Tribunal') awarded compensation of Rs.3,18,000/- along with interest to the widow and four children of the deceased.

The claimants have filed the present appeal for enhancement of compensation.

In **Rajesh and others vs. Rajbir Singh and others, 2013 ACJ 1403**, the Hon'ble Supreme Court has held that in case of self-

employed or persons with fixed wages, in the age group of 50-60 years, there must be an addition of 15% to the actual income of the deceased. Similar view was taken by a Hon'ble Division Bench of this Court in **Poonam etc. vs. Rajbir Rawat etc. 2013(1) RCR(Civil) 988.**

In view of **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, 2009(6) SCC 121**, since there were five dependents, 1/4th of the income of the deceased is required to be deducted towards personal and living expenses of the deceased. The claimant-children are also entitled to get compensation under the head of 'loss of love and affection'. That apart, the amount of Rs.5000/-, awarded, each, for 'loss of consortium' and 'funeral expenses' is also required to be enhanced.

In view of above, this Court holds that the claimants are entitled to compensation as under:-

Sr.No.	Heads	Calculation (In Rs.)
(i)	Annual Income (after 15% increase)	42000+[42000x15/100] = 48300/- per annum
(ii)	1/4 th of (i) deducted as personal and living expenses of deceased	48300-[48300x25/100] 36225/-
(iii)	Compensation after applying multiplier of 11	36225x11= 3,98,475/-
(iv)	Loss of Love and Affection (four children – Rs.50,000/- for each)	2,00,000/-
(v)	Loss of Consortium (exclusively for claimant widow)	1,00,000/-
(vi)	Funeral Expenses	25,000/-
	Total Compensation	7,23,475/-

Accordingly, the appeal is allowed. The Award of the Tribunal is modified to the extent that the appellants are entitled to total compensation of Rs.7,23,475/-, that is, Rs.4,05,475/- (723475-318000) over and above the amount awarded by the Tribunal. The interest on the enhanced amount shall be paid at the rate of 7.5% per annum from the date of filing of claim application till realisation.

That amount awarded under heads at Sr.No.(iv) and (v) 'loss of love and affection' and 'loss of consortium' shall be payable to the claimants, as indicated therein. The remaining enhanced amount shall be payable to the appellants, in the same proportion, as awarded by the Tribunal.

May 17, 2016

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**(HARINDER SINGH SIDHU)
JUDGE**