

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

FAO No.8448 of 2014

Date of decision : 11.08.2016

Hardip Kaur and others

.....Appellants

Versus

Sukhdev Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Karamjit Verma, Advocate for appellants.

Mr. Banni Thomas, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 29.11.2013, passed by the learned Motor Accidents Claims Tribunal, Ludhiana (hereinafter called the "Tribunal") vide which the appellants-claimants have been awarded a sum of ₹5,60,000/- as compensation, besides ₹1,00,000/- towards loss of consortium to claimant No.1 and ₹25,000/- towards funeral expenses, on account of death of Balwinder Singh as a result of injuries suffered by him in the motor vehicular accident, which took place on 13.04.2011.

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

3. Learned counsel appearing for the appellants-claimants contended that deceased Balwinder Singh was 43 years of age and was a technician and was working with Kansal Hosiery Exports. He was getting salary at the rate of ₹15,500/- per month. He further contended that the

learned Tribunal has not awarded any amount towards future prospects to the income of the deceased. Nothing has been awarded to the mother of deceased towards loss of love and affection of her son. No amount has been awarded to the children towards loss of love, care and guidance. Thus, he contended that the learned Tribunal has not awarded the just compensation.

4. On the other hand, learned counsel for the respondents contended that the learned Tribunal has awarded adequate compensation. The future prospects are not admissible to the deceased as he was not holding any permanent job. The compensation has been adequately awarded under the other conventional heads. Thus, he contended that there is no scope of any further enhancement in the amount of compensation.

5. I have duly considered the aforesaid contentions.

6. The learned Tribunal on appreciation of the entire evidence, determined the income of the deceased to be ₹5000/- per month. The learned Tribunal has not added the prospects to the income of the deceased. It is a fact of common knowledge that the income of every individual increases with the passage of time. That is why even the minimum wages are revised periodically by the government. So, the future prospects should have been added to the income of the deceased. At the time of death the deceased was 43 years of age, so 30% of his income shall be added towards the future prospects. The total income of the deceased comes to ₹6500/- per month *i.e.* ₹78,000/- per annum. 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 ₹58,500/-. In view of the age of the

deceased, the multiplier of 14 shall be applicable. So, the loss of dependency comes to ₹8,19,000/-. Learned Tribunal has rightly awarded a sum of ₹1,00,000/- to that appellant-claimant No.1 Smt. Hardip Kaur, the widow of deceased towards loss of consortium and a sum of ₹25,000/- towards funeral expenses. Learned Tribunal has not awarded any compensation to the mother and children of the deceased. Appellant-claimant No.4 Smt. Gurdev Kaur the mother of the deceased shall also be entitled to ₹1,00,000/- on account of loss of love and affection of her son. Both the children of the deceased shall also be entitled to ₹1,00,000/- on account of loss of love, care and guidance. The total amount of compensation payable to the claimants comes to ₹ 11,44,000/-.

7. 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 ₹11,44,000/- from ₹6,85,000/- as awarded by the Tribunal. The appellants-claimants shall also 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 of compensation and apportionment amongst the claimants shall remain as determined by the learned Tribunal in the main award.

11.08.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No