

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

FAO-8712-2014 (O&M)

Date of decision: 18.01.2016

Satpal and anr.

...Appellants

Versus

The New United Transport Pvt. Ltd. and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. I. S. Cooner, Advocate for the appellants.

Mr. Lalit Garg, Advocate for respondent No.3

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JITENDRA CHAUHAN, J.

CM NO.23779-CII of 2014

For the reasons contained in the application, same is allowed and delay of 293 days in filing the appeal is condoned.

Main Case

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 05.08.2013, passed by the learned Motor Accident Claims Tribunal, (FTC), Amritsar (for short, 'the Tribunal').

The learned counsel for the appellants contends that the claimants were fully dependent upon the earnings of the deceased

Pawan Kumar. No enhancement has been allowed on account of future prospects. The amount awarded under the conventional heads is also on the lower side and deserves to be enhanced.

The learned counsel for the respondent-Insurance Company has vehemently opposed the present appeal.

I have heard the learned counsel for the parties and perused the record.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident.

From the perusal of the award, it is noticed that the learned Tribunal did not award any compensation on account of the future prospects of the deceased. Therefore, keeping in view the law laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***, an increase of 50% is ordered towards the head of 'future prospects'. In this way, the amount of compensation under the head of 'loss of dependency' comes to Rs.3600/- + 50% X 12 X 18 X 1/2 = Rs.5,83,200/-, as against the amount of Rs.3,88,800/-, assessed by the learned Tribunal under this head.

Furthermore, it is noticed that the learned Tribunal has awarded an amount of Rs.5,000/- for 'cremation and last rites', which in the opinion of this Court, is on the lower side.

Accordingly, the amount of Rs.5,000/-, awarded under the head

'cremation and last rites' is enhanced to Rs.25,000/-.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.2,14,400/- [1,94,400/- (enhancement towards loss of dependency) + Rs.20,000/- (enhancement towards cremation and last rites)] as indicated above, in the manner prescribed in the impugned award, 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, failing which, they shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization. However, the amount towards future prospects shall be released on furnishing of adequate surety by the appellant.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

18.01.2016
ashok

(JITENDRA CHAUHAN)
JUDGE