

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

FAO No.8772 of 2014

Date of decision : 02.06.2016

Sukhwinder and another

.....Appellants

Versus

Balwinder 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. A.S. Dhaliwal, Advocate for
Mr. Gurmeet Gill, Advocate for appellants.

Mr. Vikas Chatrath, Advocate and
Mr. Jagjit Singh Chatrath, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 29.01.2014 passed by the learned Motor Accidents Claims Tribunal, Shaheed Bhagat Singh Nagar, (hereinafter called the 'Tribunal'), vide which the appellants-claimants have been awarded compensation to the tune of Rs.6,55,000/- on account of death of their father Harbanbs Lal in the motor vehicular accident which took place on 13.11.2011.

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 the future prospects towards the income of the deceased. They have also not been awarded any amount on account of loss of love and affection. Thus, he contended that the compensation awarded to the appellants-claimants by the learned Tribunal is inadequate.

4. On the other hand, learned counsel for the respondent-Insurance Company contended that the just compensation has been awarded by the learned Tribunal taking into consideration all the permissible heads. He contended that no future prospects were required to be added to the income of the deceased as he was not having any permanent job carrying regular increments. Thus, he contended that no further enhancement of the amount of compensation will be justified.

5. I have duly considered the aforesaid contentions.

6. The learned Tribunal has determined the income of the deceased to be Rs.5000/- per month treating him as a labourer. As per the postmortem report, the age of the deceased was 45 years. The learned tribunal has not added any amount towards future prospects. The deceased was 45 years of age. Even though he might be working as a labourer, his income was bound to increase with the passage of time. In view of the age of the deceased, 30% of his income is required to be added towards the future prospects. The total income of the deceased comes to Rs.6500/- per month *i.e.* Rs.78000/- per annum. $\frac{1}{3}$ rd of the income of the deceased is to be deducted towards his personal and living expenses. The remainder comes to Rs.52,000/-. In view of the age of the deceased, the multiplier of 14 shall

be applicable. The loss of dependency comes to Rs.7,28,000/-. In addition to that, the claimants shall be entitled to Rs.1,00,000/- on account of the loss of love, care and guidance and Rs.25,000/- towards funeral expenses. The total amount of compensation payable to the claimants comes to Rs.8,53,000/-.

7. Thus, keeping in view my aforesaid discussion, the present appeal is hereby allowed. The amount of compensation is enhanced to Rs.8,53,000/- from Rs.6,55,000/- as awarded by the learned Tribunal. The appellants-claimants shall also be entitled to interest at the rate as determined by the learned Tribunal on the enhanced amount from the date of filing the petition till realisation. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

02.06.2016

sunil yadav

(DARSHAN SINGH)
JUDGE