

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1130 of 1994 (O&M)
Date of Order: 25.10.2017

Raj Bala and others

..Appellants

Versus

Sishpal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S.Duhan, Advocate,
for the appellants.

Mr. Anil Ghanghas, Advocate,
for respondent no.1.

Mr. Babbar Bhan, Advocate,
for respondent no.2.

Mr. Vikas Sharma, Advocate, for
Mr. R.K.Bashamboo, Advocate,
for respondent no.3-Insurance Co.

ANIL KSHETARPAL, J (Oral)

Claimants are in appeal for enhancement of the compensation.

Unfortunately, late Shri Sukhi Chand, who was 28 years old,
serving as a Junior Engineer, died in a motor vehicle accident on
26.07.1991.

It was proved on the file that the total emoluments of the
deceased were Rs.3151/-. Deceased has left behind a widow and three
minor daughters.

The Motor Accident Claims Tribunal, Bhiwani, assessed the
dependency taking income to be Rs.2500/- per month. It is not

understandable that once the salary was Rs.3151/-, how Rs.2500/- was taken as a salary.

Taking the salary to be Rs.3151/-, the monthly dependency after deducting a cut of 1/4th would come to Rs.2364/-. As per the judgment of the Hon'ble Supreme Court in the case of **Rajesh Kumar and others v. Rajbir Singh and others, (2013) 9 SCC 54**, 50% of the amount is to be added towards future prospects, so adding 50%, it would come to Rs.3500/- (rounded). The learned trial Court has applied a multiplier of 16, so the amount comes to Rs.6,72,000/-.

<i>Heads</i>	<i>Compensation awarded by MACT</i>	<i>Compensation awarded by High Court</i>
Monthly income taken	Rs.2500-00	Rs.3151-00
(-) dependency	Rs.1000-00	Rs. 787-00(1/4 th)
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	Rs.1500-00	Rs.2364-00
(+) future prospects (50%)	NIL	Rs.1182-00

		Rs.3546-00 (Rs.3500 taken)
Annual Dependency	Rs.1500x12=18000-00	Rs.3500x12=42000-00
Multiplier of 16	Rs.18000x16=2,88,000-00	Rs.42000x16=6,72,000-00

The learned Motor Accident Claims Tribunal has assessed the deceased's contributory negligent to the extent of 40%, thus, the compensation assessed above shall stands reduced by 40%.

The learned Motor Accident Claims Tribunal has not awarded any amount under the conventional heads i.e. loss of consortium, funeral expenses and loss of love and affection to the children.

Taking into consideration that the accident took place in the year 1991, this Court would feel that the ends of justice would be met if a lump-sum of Rs.1,50,000/- on that score is awarded. Thus, the appeal filed

by the claimants shall stands allowed and the compensation shall stands enhanced along with interest @ 7.5% from the date of claim petition till its realisation.

October 25, 2017
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(ANIL KSHETARPAL)
JUDGE

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