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

**FAO No. 3639 of 2009 (O&M)
Date of Decision: 05.04.2017**

Bhateri & Ors.

... Appellants

vs.

Mahender and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Ashwani Gaur, Advocate
for the appellants.**

**Mr. Ashok Arora, Advocate
for respondents No.1 and 2.**

**Mr. V.M. Gupta, Advocate and
Ms. Sonal Dutta, Advocate
for respondent No.3.**

ANITA CHAUDHRY, J.

This is claimants' appeal seeking enhancement in the award passed by the Motor Accident Claims Tribunal, Hisar(for brevity, the Tribunal) dated 09.03.2009.

Jagdish met with an accident on 20.11.2006. He was working as a Beldar in Govt. Livestock Farm, Hisar and drawing a gross salary of Rs.6986/-. He was 46 years old. His widow has been allowed to draw the salary of Rs.7240/- per month under Haryana Compassionate Assistance Rules, 2006(in short, 2006 Rules) and she would get the salary for a period of 12 years. This fact had been noted by the Tribunal. Calculations were made by taking the income at

Rs.6000/- per month and after deducting 1/3rd, the multiplier of 5 was applied. The loss was calculated to Rs.2,40,000/-. A sum of Rs.10,000/- was added for transportation and funeral expenses and the claimants were allowed only Rs.2,50,000/-.

On the last date of hearing, the case was adjourned to enable the appellants to inform as to how much salary the widow would get for a total period of 12 years under the Policy of 2006.

Counsel appearing for the appellants refers to Para 15 of the award and states that Bhateri(his widow) would get Rs.7240/- per month for a period of 12 years and the amount would be Rs.10,42,560/-.

Counsel for the respondent had urged that the amount which the widow would get has to be deducted in view of the latest judgment of Reliance General Insurance Company Vs. Shashi Sharma & Ors. 2016(4) RCR(Civil) 569.

Counsel for the appellant urged that the gross salary was Rs. 6986/- which can be rounded off to Rs.7000/- and addition of 30% has to be made towards future prospects as the deceased was in a permanent job and his GPF was being deducted and he was receiving HRA and DA.

Taking the income after rounding off at Rs.7000/- per month and making an addition of 30% towards future prospects, the income would come to Rs.9100/- per month and deducting 1/3rd ,the income available for the family would be Rs.6067/- per month. The annual contribution comes to Rs. 72804/-. Applying the multiplier of

13, the compensation would comes to Rs. 9,46,452/-. To this, a sum of Rs.10,000/- should be added as funeral expenses, the accident took place in 2006. I would add Rs.50,000/- on account of loss of consortium and Rs.50,000/- for loss of estate raising the total to Rs. 10,56,452/-. The Tribunal had awarded a sum of Rs.2,50,000/- which would be deducted and the balance would be Rs. 8,06,452. The widow will get Rs.10,42,560/- as salary for 12 years under 2006 Rules. Therefore, no amount is payable. The appeal is dismissed.

05.04.2017 **(ANITA CHAUDHRY)**
Jiten **JUDGE**

Whether speaking/ reasoned Yes/ No

Whether reportable Yes/ No