IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1620 of 2012 (O&M)
Date of decision: 10.08.2017

Jasvir Kaur and others ...Appellants

Versus

Jagjit Singh @ Jagga and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Deepak Aggarwal, Advocate for the appellants.

Mr. A.K. Khunger, Advocate for respondent No.1.

Ms. Kuljit Kaur, Advocate for
Mr. R.N. Singal, Advocate for respondent No.3.

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REKHA MITTAL, J. (Oral)

CM-6617-CII-2012

For the reasons stated in the application, same is allowed. Delay of 7 days in re-filing the present appeal is hereby condoned.

CM-6618-CII-2012

For the reasons stated in the application, same is allowed. Delay of 40 days in filing the present appeal is hereby condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation in regard to death of Jarnail Singh in a motor vehicular accident that took place on 26.04.2010.

The Motor Accidents Claims Tribunal, Bathinda (in short 'the

Tribunal) assessed income of the deceased at Rs.1.5 lakh per annum, applied multiplier of 16 and deducted ¼th for personal and living expenses of the deceased to compute loss of dependency at Rs.18,00,000/-. In addition, an amount of Rs.20,000/- on account of funeral and last rites and Rs.5,000/- for loss of consortium to the widow was awarded making total compensation to Rs.18,25,000/- payable with interest at the rate of 6% per annum from the date of petition till realization.

Counsel for the appellants would submit that the deceased was 32 years old but the tribunal has not allowed benefit of increase in income for future prospects to the extent of 50%. Compensation awarded under conventional heads needs enhancement in the light of judgments of Hon'ble the Supreme Court of India ***Rajesh and others vs. Rajbir Singh and others 2013(3) RCR(Civil) 170*** and ***Vimal Kanwar and others vs. Kishore Dan and others 2013(2)RCR (Civil) 945***.

Counsel representing the insurance company has supported compensation computed by the tribunal with the submission that adequate compensation has been awarded to the claimants.

The claimants asserted their claim for compensation by pleading that the deceased was earning Rs.3.5 lakh per annum but the tribunal assessed his income at Rs.1.5 lakh per annum. Counsel for the appellants has not made any submission justifying enhancement of income of the deceased and rather virtually conceded to assessment of the income in this regard, accordingly, findings of the tribunal with regard to income of the deceased are affirmed. However, as the deceased was 32 years old and left behind a family consisting of a widow, two minor children and parents, held to be dependent on his income, the appellants are entitled to benefit of increase in income for future prospects to the extent of 50%. After allowing benefit of future prospects, loss of dependency comes to Rs.27,00,000/- (Rs.1,50,000 + Rs.75,000 = Rs.2,25,000 x 16 = Rs.36,00,000 x 3/4 = Rs.27,00,000/-)

Under the conventional heads, an amount of Rs.1 lakh for loss of consortium to the widow, Rs.1.5 lakh to the minor children and Rs.50,000/- to mother of the deceased for loss of love and affection, Rs.25,000/- for expenses on funeral etc. and Rs.25,000/- for loss of estate is awarded. The total compensation comes to Rs.30,50,000/- and the additional amount is Rs.12,25,000/-, payable with interest at the rate of 7.5% per annum from the date of petition till realization. The additional amount shall be shared by the widow and minor children of the deceased in equal ratio except the amount of Rs.50,000/- payable to the mother.

The appeal is partly allowed in the aforesaid terms.

10.08.2017 **(REKHA MITTAL)**
ashok **JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No