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

FAO-5895-2013 (O&M)
Date of decision: 18.1.2017

Chetna Kaushal and ohers
...Appellants

Versus

Harvinder Singh and others
...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Ashwani Prashar, Advocate for the appellants

Mr.Akashdeep Singh, Advocate
for respondent No.1 & 4.

Mr.RK Bashamboo, Advocate for respondent No.3.

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SNEH PRASHAR, J.

By way of this appeal, appellants, who are the widow, daughter and sons, seek enhancement of compensation awarded to them by learned Motor Accident Claims Tribunal, SAS Nagar (Mohali) (for short 'the Tribunal') vide award dated 25.7.2013 on account of death of Bhupinder Kumar Kaushal due to the injuries suffered by him in a motor vehicular accident that took place on 4.9.2008.

The submissions made by Mr.Ashwani Prashar, Advocate representing the appellants; Mr.Akashdeep Singh, Advocate for respondents No.1 and 4, and Mr.RK Bashamboo, Advocate for respondent No.3- Insurance Company have been considered and record perused.

It was submitted on behalf of the appellants that the income of the deceased had not been assessed as per the revised pay scales issued by the Government. Learned counsel further submitted that no amount was awarded on account of loss of love, care and guidance to the children and only a meager amount of Rs.20,000/- was awarded towards loss of consortium, loss of estate, funeral expenses, transportation expenses etc.

On the other hand, learned counsel representing respondent No.3- Insurance Company submitted that there was no notification regarding revised pay scales issued by the Government at the relevant time, thus the income assessed by learned Tribunal is adequate.

Undisputedly, Bhupinder Kumar Kaushal died due to the injuries sustained by him in a road side accident that occurred on 4.9.2008 due to rash and negligent driving of respondent No.1. He was working as Block Officer in Divisional Forest Office, Ropar and was 38 years aged at the time of his death. As is established by the document Ex.P10 proved by PW3 Sunil Kumar Bali, Block Forest Officer, the revised pay w.e.f. 1.1.2006 of the deceased was calculated as Rs.17,261/-. In other words under the revised pay scale, the monthly salary of the deceased was Rs.17,261/- on the date he expired. Therefore, the income of the deceased ought to have been taken as Rs.17,261/- per month.

The deceased was the sole bread earner of the family and due to his untimely death, the claimants have lost their only source of income and have also been deprived of the love, care and guidance of the person on whom they were dependent. Following the ratio of **Rajesh and others vs. Rajbir Singh and others (2013) 9 SCC 54,** in my considered opinion the ends of justice would be served, if a sum of Rs. one lac is allowed towards loss of consortium to the wife and Rs.25,000/- is allowed for the expenses incurred on last rites. Further a sum of Rs.One lac is allowed to the children on account of loss of love, care and guidance in equal share and a sum of Rs.50,000/- is allowed to the mother on account of loss of love and affection. The amount already awarded i.e. Rs.20,000/- on account of conventional heads will be adjusted towards the amount awarded as funeral expenses.

No other point has been raised.

Accordingly, the total compensation comes to Rs.37,70,353/- (17,261 (monthly income) + 50% (increase towards promotional prospects) – 1/4th (deduction towards personal and living expenses of the deceased) x 12 x 15 (multiplier) + 2,75,000 (conventional heads). The enhanced amount of compensation i.e.

Rs.5,60,53/- (37,70,353-32,10,300 already allowed) shall be paid to the appellants as well as respondent No.5 within two months from the date of receipt of the certified copy of this judgment, failing which, it shall carry interest @ 7.5 % per annum from the date of filing of the appeal till its realisation.

In view of the above, the present appeal is partly allowed and the award is modified to the above extent.

18.1.2017 **(SNEH PRASHAR)**
gsv **JUDGE**

Whether speaking / reasoned? Yes / No
Whether reportable? Yes / No