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

FAO No.5611 of 2014(O&M)
Date of decision: 2.8.2017

Ravinder Kaur and others …..Appellants

VERSUS

Kamaljit Singh and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vivek Suri, Advocate for the appellants.

None for respondent No.2.

Mr. Rajneesh Malhotra, Advocate for respondent No.3.

REKHA MITTAL, J.

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Patiala (in short 'the Tribunal') in regard to death of Daler Singh in a motor vehicular accident that took place on 24.12.2011.

The Tribunal awarded compensation to the tune of Rs.33,39,080/- reproduced hereunder in a tabulated form:-

1.	Income assessed	Rs.26,784/-
2.	1/3rd of (ii) deducted as personal expenses of the deceased	Rs.26,784/- - Rs.8928/- = Rs.17,856/-
3.	Compensation after multiplier of 15 is applied	Rs.17,856 x 12 x 15 = Rs.32,14,080/-
4.	Consortium	Rs.1,00,000/-
5.	Funeral expenses	Rs.25,000/-
6.	Total (3) to (5)	Rs.32,14,080/- + Rs.1,00,000/- + Rs.25,000/- = Rs.33,39,080/-

Counsel for the appellants has submitted that the deceased was working as a Head Constable in Punjab Police and his gross salary as per certificate Ex.P1 was Rs.29,728/- per month. It is argued that the Tribunal has wrongly assessed loss of dependency by taking his income at Rs.26,784/-. Another submission made by counsel is that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 30% in the light of judgment of Hon'ble the Supreme Court **Smt. Sarla Verma and others versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77**. In addition, it is argued that compensation awarded under conventional heads needs re-look and enhancement.

Counsel representing the Insurance Company would urge that as income of the deceased was taxable, the Tribunal has rightly deducted his liability qua income tax while assessing income at Rs.26,784/- per month. It has further been argued that as the deceased was more than 40 years of age, admissible multiplier would be 14 in place of 15.

I have heard counsel for the parties, perused the paper-book and the records.

Indisputably, the deceased was less than 50 years of age at the time of his unfortunate death. He was an employee of the State of Punjab being a Head Constable in Punjab Police. The claimants are entitled to benefit of increase in income for future prospects to the extent of 30%, thus, monthly income comes to Rs.38,648/- and annual income is Rs.4,63,776/-. Income tax liability to the extent of 10% beyond exempted income of Rs.1,80,000/-, comes to Rs.28,377/- per annum. After allowing deductions of income tax and qua personal and living expenses of the deceased to the extent of 1/4th, loss of dependency comes to Rs.3,26,550/- per annum. Counsel for the claimants has not disputed that as the deceased was more than 40 years old, admissible multiplier would be 14. After applying multiplier of 14, compensation payable towards loss of dependency comes to Rs.45,71,700/-.

Under conventional heads, compensation of Rs.1 lakh for loss of consortium to the widow and Rs.25,000/- for funeral expenses awarded by the Tribunal is affirmed. The minor children of the deceased shall be entitled to an amount of Rs.2,25,000/- (to be shared equally) for loss of love and affection and an amount of Rs.50,000/- under the same head to mother of the deceased. They shall be entitled to another amount of Rs.25,000/- for loss of estate.

In view of the above, total compensation is Rs.49,96,700/- and the additional amount comes to Rs.16,57,620/-. The enhanced compensation shall carry 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 children of the deceased in equal ratio except an amount of Rs.50,000/- paid to Ms. Jeet Kaur towards loss of love and affection. The amount falling to share of the children shall be deposited in a Fixed Deposit Receipt for a period of 3 years or till they attain the age of majority, whichever is later. The claimants shall not be entitled to raise any loan against the Fixed Deposit Receipts.

The appeal is partly allowed in the aforesaid terms.

AUGUST 2, 2017 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no