IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

212

FAO No.6173 of 2014
Decided on : 11.09.2017

Prem Lata Saini and others

... Appellants

Versus

Chanchal Gupta and others

.. Respondents

CORAM : HON'BLE MRS.JUSTICE REKHA MITTAL

Present : Mr.Narender Singh, Advocate
for the appellants.
Ms.Vandana Malhotra, Advocate
for the Insurance Co.Ltd.

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Sumesh Pal Saini in a motor vehicular accident that took place on 29.02.2012.

Counsel for the appellants would contend that the Tribunal has assessed income of the deceased at Rs.41,357/- per month but did not allow any addition for future prospects. It is argued that in the light of judgment of Hon'ble the Supreme Court ***'Rajesh and others Vs. Rajbir Singh and others' 2013 (9), SCC 54***, the claimants are entitled to addition for future prospects to the extent of 15%. Another submission made by counsel is that the tribunal has awarded an amount of Rs.9500/- on account of general damages but has not awarded any compensation for consortium to the widow, love and affection to the children, expenses on funeral and loss of estate etc.

Counsel representing the Insurance company would urge that as the deceased was 51 years old and regular employee of CISF, claimants cannot stake their claim for additional income for future prospects in the light of judgment **Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77.**

I have heard counsel for the parties, perused the paper book particularly the award dated 03.01.2014.

There is no denial that the deceased was 51 years old at the time of unfortunate occurrence resulting in abrupt termination of his life. He was a regular employee of Central govt. being Assistant Commandant in CISF. Hon'ble the Supreme Court in Smt. Sarla Verma and other's case (supra) allowed benefit of increase in income for future prospects to regular employees to the extent of 50% if the deceased happens to be less than 40 years but 30% upto the age of 50 years. The judgment Rajesh and other's case (supra) does not deal with grant of benefit of future prospects to a regular govt. employee, therefore, claimants cannot derive any benefit from judgment Rajesh and other's case (supra) .

Counsel for the claimants has fairly informed that the Tribunal has rightly applied multiplier of 11 and deducted $1/3^{rd}$ for personal expenses. Under the circumstances, there is no scope for enhancement of compensation qua loss of dependency assessed by the Tribunal to the tune of Rs.36,39,372/-.

The Tribunal has awarded an amount of Rs.9500/- on account of general damages. The occurrence in question took place on 29.02.2012 and application for compensation was filed by the widow and unmarried daughters aged 22 and 18 years of deceased Sumesh Pal Saini. In the light of judgment of Hon'ble the Supreme Court in Rajesh and other's case (supra), the claimants are allowed compensation under the conventional heads i.e. loss of consortium to the widow Rs.1 lac, loss of love and affection care and protection to the children Rs.1.5 lacs (to be shared equally), expenses on funeral and last rites Rs.25000/- and loss of estate Rs.25000/-. The additional amount, thus, comes to Rs.300000/-, payable with interest @ 7.5 per annum from the date of petition till realization, payable to widow of the deceased. The additional amount shall be deposited in a fixed Deposit Receipt (FDR) for a period of two years.

Appeal is partly allowed in the aforesaid terms.

[Rekha Mittal]
Judge

11.09.2017
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No