IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.705 of 2015(O&M)

Date of decision: 10.10.2017

Sukhwinder Kaur and others …..Appellants

VERSUS

Vikramjit and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Gaurav Gupta, Advocate for the appellants.

Mr. Rajesh Verma, Advocate for respondent No.3.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Ropar (in short 'the Tribunal') in regard to death of Balihar Singh in a motor vehicular accident that took place on 04.01.2014.

The Tribunal awarded compensation of Rs.9,88,792/-, detailed hereunder:-

Sr. No.	Heads of compensation	Amount
1.	Monthly income of the deceased	Rs.7292/-
2.	Deduction for personal expenses	1/4th
3.	Multiplier	14
4.	Loss of dependency	Rs.9,18,792/- (Rs.5469 x 12x 14)
5.	Loss of consortium	Rs.50,000/-
6.	Expenses on funeral	Rs.20,000/-

Counsel for the appellant has prayed for enhancement of compensation primarily on two counts. It is argued 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 Apex Court **Rajesh and others Vs. Rajbir Singh and others, 2013 (3) RCR (Civil) 170**. Compensation awarded under conventional heads needs enhancement.

Counsel representing the insurance company, on the contrary, has refuted contention of the claimants for benefit of future prospects on the plea that the matter with regard to grant of future prospects is pending consideration before a Larger Bench of Hon'ble the Supreme Court in view of reference made in **National Insurance Company Ltd. vs. Pushpa, SLP (C) No.16735 of 2014, decided on 02.07.2014.**

The deceased was 44 years old at the time of his unfortunate end due to sustaining injuries in a road-side accident. He left behind a family consisting of his widow, three daughters and one son and two of the children were minor at that time. There is nothing on record suggestive of the fact that the deceased was suffering from any disability to impair his capacity to work and earn livelihood for himself and his family. The State Governments revise minimum wages at short intervals may be quarterly or bi-annually. The mere fact that reference is pending before a Larger Bench of Hon'ble the Supreme Court is not sufficient to deny benefit of increase in income for future prospects till the judgment in **Rajesh and others' case** (supra) is varied or set aside.

Findings of the Tribunal allowing deduction for personal expenses to the tune of 1/4th and multiplier of 14 are ordered to be affirmed. In this manner, loss of dependency comes to Rs.11,94,430/- [Rs.9,18,792/- (Rs.5469 x 12 x 14) + Rs.2,75,638/- (30% future prospects)].

Under conventional heads, the claimants shall be entitled to following compensation:-

Loss of consortium to the widow	Rs.1,00,000/-
Loss of love and affection, care and guidance to children	Rs.3,00,000/- (to be shared equally)
Expenses on funeral/last rites	Rs.25,000/-
Loss of estate	Rs.25,000/-

In view of the above, total compensation comes to Rs.16,44,430/- and the enhanced compensation is Rs.6,55,638/- (Rs.16,44,430/- - Rs.9,88,792/-). The enhanced compensation shall carry interest at the rate of 7.5% per annum from the date of petition till realization, payable in terms of the award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

OCTOBER 10, 2017 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no