

In the High Court of Punjab and Haryana at Chandigarh

FAO-8457-2014 (O&M)

Date of Decision:- 15.5.2018

Jagroop Kaur and others

....Appellants

Versus

Satnam Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rahul Bhargava, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent No. 3.

GURVINDER SINGH GILL J.

1. Claimants Jagroop Kaur and her minor daughter Jasmeen Kaur have filed this appeal seeking enhancement of compensation as awarded by the learned Tribunal on account of death of her husband Sahib Singh in a vehicular accident which occurred on 10.1.2012.
2. The claim petition was opposed by the respondents i.e. by the Driver, owner and insurer of the offending vehicle. The learned Tribunal, upon appreciating the evidence of record, held that the accident in question had occurred on account of rash and negligent driving on part of the Driver of the offending vehicle and consequently awarded compensation to the claimants Jagroop Kaur and Jasmeen Kaur and also to proforma respondent no. 4 Inder Kaur, mother of the deceased, to the tune of ₹ 7,88,000/- to be shared by the

claimants Jagroop Kaur, Jasmeen Kaur and also by proforma respondent Inder Kaur.

3. The learned counsel for the claimants, while assailing the impugned award, has submitted that the learned lower Court while assessing compensation has not taken into account the "*future prospects*" and has awarded a meager amount under the statutory heads of loss of consortium, funeral expenses and loss to estate.
4. I have heard the learned counsel for the parties.
5. A perusal of impugned award shows that while taking the age of the deceased to be 34 years, a multiplier of 16 has been awarded to his assessed dependency of ₹ 4,000/- after assessing his income as ₹ 6,000/-. However, no amount has been added to the above assessed dependency on account of advancement in '*future prospects*' which as per the dictum of Hon'ble the Supreme Court in (2017) 16 SCC 680 - National Insurance Company Ltd. vs. Pranay Sethi and others and bearing in mind the age of the deceased, should have been added to the above said income/dependency to the tune of 40%. Thus, by adding 40% to the aforesaid dependency of ₹ 4,000/-, the amount would work out to ₹ 5,600/- p.m. ($4,000 + 40\% = 5600$) In other words, the annual dependency would work out to ₹ 67,200/- ($5600 \times 12 = 67,200$) by applying a multiplier of 16 as has been correctly applied by the Tribunal, the compensation would work out to ₹ 10,75,200/- ($67,200 \times 16 = 10,75,200$).
6. I further find that the compensation under the statutory heads i.e. loss of consortium, loss to estate and funeral expenses also needs to be enhanced and as such, the claimants are held entitled to an amount of ₹ 40,000/-

towards loss of consortium; ₹ 15,000/- towards loss to estate; and ₹ 15,000/- towards funeral expenses. Thus, the total compensation works out to ₹11,45,200/-.

7. The appeal accordingly merits acceptance and the awarded compensation is enhanced from ₹ 7,88,000/- to ₹ 11,45,200/- to be paid along with interest @ 7½ % and to be shared by the claimants in the same proportion as defined by the Tribunal. The share of the minor claimant shall be invested in a FDR in some nationalized bank which she shall be permitted to withdraw after she attains majority unless allowed by Court to do so earlier.

15.05.2018

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No