

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

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FAO-571-1990 (O&M)

Date of decision : 20.11.2023

Sucha Singh and Others

.....Appellants

Versus

Baldev Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the appellants

Mr.RK Bashamboo, Advocate for the Insurance Company

AMAN CHAUDHARY, J.

1. The present appeal has been filed by the claimant-appellants for enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Kapurthala (for short 'the Tribunal') vide award dated 05.03.1990, on account of death of Karjit Kaur in a motor vehicular accident.

2. This is a reconstructed case, as the original file was burnt in the fire that broke out in the concerned branch. Since the case is pending for the last more than 33 years, the counsel for the Insurance Company has no objection, in case the same is decided on basis of the available record.

3. In the grounds of appeal, it has been stated that the deceased, 41/42 years old at the relevant time, was doing tailoring work and earning Rs.600/700/- per month, whereas, the Tribunal assessed her income as Rs.150 per month. The multiplier of 16 should have been applied. The compensation granted is on the lower side and nothing has been awarded towards future prospects of increase in income, loss of consortium, loss of love & affection and funeral expenses.

4. On the other hand, the learned counsel for the insurance company has opposed the present appeal and states that just and reasonable compensation has already been awarded to the appellants.

5. Heard the learned counsel and perused the record.

6. Indisputably, the death of Karjit Kaur occurred in a vehicular accident caused by respondent No.1- driver of the offending truck. So far as the fact of accident and manner of its taking place, as well as liability fastened upon the driver, owner and insurer of the offending vehicle, to be joint and several are concerned, it is pertinent to mention that no challenge to the same has been made and thus, this issue does not warrant any further scrutiny. Perusal of the award reveals that there being no evidence of income, the Tribunal has rightly considered it to be Rs.1800/- per annum. However, with regard to the enhancement of the compensation, this Court can rightly fall back on the law laid down in **Sarla Verma and others vs. Delhi Transport Corporation and another**, 2009(3) RCR (Civil) 77, **National Insurance Company Limited vs. Pranay Sethi and others** 2017(4) RCR (Civil) 1009 and also in **Janabai vs. ICICI Lombard Insurance Co. Ltd.**, (2022) 10 SCC 512 and accordingly hold the appellants entitled to grant of future prospects to the extent of 25%, she being self employed and also for the compensation under the conventional heads i.e. Rs.15,000/- for funeral expenses; Rs.40,000/- loss of consortium to husband and Rs.40,000/- for loss of love and affection to daughter. The deceased being 41/42 years at the relevant time, the multiplier of 14 was to be applied.

7. Accordingly, the total compensation comes to Rs.1,26,500/- (1800+ 25% (towards future prospectus) x 14 (multiplier) +Rs.95,000/- (conventional head). Thus, the enhanced compensation of Rs.1,08,500/-,

over and above the amount of Rs.18,000/- already awarded by the Tribunal, alongwith interest at the rate of 7.5% per annum from the date of filing of the present appeal, till its realization, shall be paid to the claimants-appellants in the same ratio as per the award, within a period of 2 months from the date of receipt of a certified copy of this judgment, failing which, the amount shall accrue an interest as awarded by the Tribunal.

8. Modifying the award to the aforesaid extent, the present appeal is disposed of.

9. Registry is directed to send a copy of the order to the concerned Tribunal for necessary compliance.

10. Since the main appeal has been decided, IOIN-FAO-571-1990 also stands disposed of accordingly.

20.11.2023
gsv/M.kamra

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned	:	Yes	/	No
Whether reportable	:	Yes	/	No