

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

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FAO-259-1993 (O&M)

Date of decision: 15.12.2023

Bhagwan Kaur and Others

....Appellants

Versus

Daljit Singh and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the appellant

Mr. Manipal Singh Atwal, DAG Punjab

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, Ludhiana (for short 'the Tribunal') vide award dated 11.11.1992, on account of death of Sat Pal Singh 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 in the year 2011. Since the case is pending for more than 30 years, learned State counsel has no objection, if the same is decided on the basis of the available record.
3. It has been averred in the grounds of appeal that the deceased, 36 years old at the time of accident, was employed with M/s Standard Machinery Works and getting salary of Rs.3.000/- per month, however, the Tribunal has wrongly assessed his income as Rs.1600/- per month, which is inadequate. He left behind his widow wife and three minor children. The compensation awarded to

the claimants is on the lower side.

4. On the other hand, learned State counsel submits that the Tribunal has assessed the compensation in light of the evidence led by the claimant-appellants, thus, he prays for the dismissal of the present appeal.

5. Heard and perused.

6. There is no dispute with regard to the death of the deceased-Sat Pal Singh, occurred in a motor vehicular accident caused by respondent No.1- driver of the offending bus. So far as the fact of accident, the manner of its taking place, as well as liability fastened upon the driver and owner 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.

7. Evidently, the deceased was 36 years old but there being no evidence of his income, the Tribunal has rightly taken it to be Rs.1,600/- per month. However, with regard to the enhancement of the compensation, this Court can make a profitable reference to 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 **Janabai vs. ICICI Lombard Insurance Co. Ltd.**, (2022) 10 SCC 512 and accordingly the appellants are held entitled to grant of future prospects to the extent of 40%, him being self employed and also for the compensation under the conventional heads i.e. Rs.18,000/- for funeral expenses, Rs.18,000/- for loss of estate, and Rs.1,44,000/- (48,000 x 3) for loss of love and affection to three minor children and Rs.48,000/- loss of consortium to wife. The deceased being 36 years, the multiplier of 15 should be applied and also there were four dependents, the

deduction of 1/4th ought to be made on account of personal expenses of the deceased.

8. Consequently, the total compensation comes to Rs.5,30,400/- (1,600 (monthly income) + 40% (towards future prospects) – 1/4th (deduction towards personal expenses)x 12 x 15 (multiplier) +Rs.2,28,000/- (conventional heads). Therefore, the enhanced compensation of Rs.3,38,400/-, over and above the amount of Rs.1,92,000/- 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 claimant-appellants by the respondents as ordered by the Tribunal, 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.

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

10. Registry is directed to send a copy of the judgment to the concerned Tribunal for necessary compliance of the same.

(AMAN CHAUDHARY)
JUDGE

15.12.2023
M.Kamra

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