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

231 FAO-253-1992 (O&M)
Date of decision : 09.11.2023

Tarlochan Singh and others
.....Appellants

Versus

Sway Singh and Others
..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the appellants

Mr. Manipal Singh Atwal, DAG Punjab

Mr.Deepak Suri, Advocate for respondent No.4-Insurance Co.

AMAN CHAUDHARY, J.

1. The claimant-appellants have filed the present appeal seeking enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Chandigarh (for short 'the Tribunal') vide award dated 03.10.1991, on account of death of Kulwinder 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 31 years, both the counsel have no objection, in case the same is decided on basis of the available record.

3. It has been averred in the grounds of appeal that the deceased, who was 28, was having a diploma of beautician and as per the certificate Ex.A-5, her salary was Rs.1000/-, despite that learned Tribunal assessed her income as Rs.750/- per month. She left behind her husband, two minor daughters and a son. 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 State counsel has vehemently opposed the present appeal and states that just and reasonable compensation has already been awarded to the appellants.

5. Heard the learned State counsel and perused the record.

6. There is no dispute as regards death of deceased-Kulwinder Kaur, having occurred in a road side accident, caused by respondent No.1, therefore, this aspect needs no further scrutiny. Even otherwise, there is no cross-appeal filed. The Tribunal has rightly assessed her monthly income to the tune of Rs.750/-. Further, as per the law laid down in the case of **Sarla Verma and others vs. Delhi Transport Corporation and another,** 2009(3) RCR (Civil) 77, which also reiterated in **National Insurance Company Limited vs. Pranay Sethi and others** 2017(4) RCR (Civil) 1009, the claimant-appellants are held entitled to grant of future prospects to the extent of 40%, he being on private job as also under the conventional heads of Rs.1,75,000/- (Rs.15000/- funeral expenses; Rs.40,000/- each to the children for loss of love and affection and Rs.40,000/- loss of consortium to husband). Since, the deceased was 28 years, the multiplier of 17 and there being four dependents, the deduction of 1/4th should have been applied.

7. Accordingly, the total compensation for loss of dependency comes to Rs.3,35,650/- (750 + 40% (towards future prospects) - 1/4th (deduction towards personal expenses) x 12 x 17 (multiplier) + Rs.175,000/-. The enhanced compensation of Rs.2,39,650/-, over and above already awarded i.e. Rs.96,000/-, alongwith interest thereon at the rate of 7.5% per annum from the date of filing of the present appeal, shall be paid to the

claimant-appellants 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.

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.

09.11.2023 **(AMAN CHAUDHARY)**
gsv/M.kamra **JUDGE**

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