

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

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FAO-888-1992 (O&M)

Date of decision : 06.12.2023

Bhanta Devi and others

.....Claimant-Appellants

Versus

Tara Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None.

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, Sirsa (for short 'the Tribunal') vide award dated 15.01.1992, on account of death of Jagmal Singh in a motor vehicular accident.
2. At the asking of the Court, Mr. D.P. Gupta, Advocate appears on behalf of respondent No.3-United India Assurance Company Limited.
3. 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 the last more than 31 years, the counsel for respondent No.3 has no objection, in case the same is decided on basis of the available record.
4. It has been stated in the grounds of appeal that the deceased-Jagmal Singh, 20 years old at the time of the accident, was earning Rs.1602/- per month as he was working as Constable in Haryana Police and also doing the work of selling milk, however, the Tribunal assessed it to be only Rs.1000/- per month. The multiplier of 25 should have been applied. The deceased left behind a wife, minor child and parents. The compensation

awarded is on the lower side. Nothing has been awarded towards future prospects of increase in income, loss of consortium, loss of love & affection and funeral expenses.

5. On the other hand, learned counsel for the respondents submit that the Tribunal has assessed the compensation in light of the evidence led by the claimant-appellants, thus, they pray for the dismissal of the present appeal.

6. Heard and perused.

7. It is not disputed that the death of the deceased-Jagmal Singh, had occurred in a motor vehicular accident. So far as the fact of accident and manner of its taking place, as well as liability fastened upon respondent No.3, it is pertinent to notice that no challenge to the Award has been made and thus, this issue does not warrant any further scrutiny.

8. Perusal of the award reveals that the Tribunal has rightly assessed the monthly income of Rs.1602/-, as per last pay drawn by the deceased from the Department. However, with regard to the enhancement of the compensation, reliance can be placed 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 **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 50%, he being Govt. employee and also for the compensation under the conventional heads i.e. Rs.15,000/- for funeral expenses; Rs.15000/- for loss of estate; Rs.80,000/- (40,000 x2) for loss of love and affection to two minor children and parents and Rs.40,000/- loss of consortium to wife. The deceased being

20 years, the multiplier of 18 should be applied. Further, there were four dependents at that time, the deduction of 1/4th ought to be made.

9. Consequently, the total compensation comes to Rs.5,39,286/- (1602 + 50% (towards future prospectus) 3/4th (dependency)x 12x 18 (multiplier) +Rs.1,50,000/- (conventional head). Thus, the enhanced compensation of Rs.3,87,286/-, 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 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.

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

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

06.12.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned :

Yes / No

Whether reportable :

Yes / No