

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

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FAO-2096-1994 (O&M)
Date of decision : 24.11.2023

Jagmeet Kaur and Others

.....Claimant-Appellants

Versus

Jagdish Lal and Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the appellants

Mr. Nitin Gupta, Advocate for
respondent No.3-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, Ludhiana (for short 'the Tribunal') vide award dated 19.05.1994, on account of death of Gurmukh 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 the last more than 29 years, the counsel for the Insurance Company has no objection, in case the same is decided on basis of the available record.

3. It has been stated in the grounds of appeal that the deceased, 25 years old at the relevant time, was employed at the shop of Jasmail Singh & Company as well as doing agriculture work and earning Rs.30,000/- per month, whereas, the Tribunal assessed the monthly dependency as Rs.1,250/-. . The compensation granted is on the lower side as the multiplier

of 24 should have been applied 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. Admittedly, the death of Gurmukh Singh occurred in a vehicular accident caused by respondent No.1- driver of the offending vehicle. 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.

7. An inspection of the award reveals that there being no evidence of income, the Tribunal has rightly considered it to be Rs.1,250/- per month. 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 **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%, he being self employed and also for the compensation under the conventional heads i.e. Rs.15,000/- for funeral expenses and Rs.80,000/- (40,000 x2) for loss of love and affection to the parents and Rs.40,000/- as loss of consortium to the wife. The

deceased being 25 years, the multiplier of 18 should be applied. Further, there were three dependents at that time, the deduction of 1/3rd ought to be made.

8. Accordingly, the total compensation comes to Rs.3,87,000/- (1250+ 40% (towards future prospectus) - 1/3rd (deduction towards personal expenses)x 12 x 18 (multiplier) +Rs.1,35,000/- (conventional head). Thus, the enhanced compensation of Rs.1,34,000/-, over and above the amount of Rs.2,53,000/- 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.

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

10. Registry is directed to send a copy of the order to the concerned Tribunal for execution of the same. After the needful is done, a compliance report be submitted.

24.11.2023
gsv/M.kamra

(AMAN CHAUDHARY)
JUDGE

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