

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

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FAO-262-1991 (O&M)

Date of decision : 23.11.2023

Shanti Devi and others

.....Claimant-Appellants

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the appellants.

Mr. Jagdish Manchanda, Addl. AG, Haryana.

Mr. Chander Pal Tiwana, Advocate for
Mr. R.S. Chahar, Advocate, for respondent No.3-Driver.**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, Rohtak (for short 'the Tribunal') vide award dated 11.08.1989, on account of death of Murari Lal 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 32 years, the learned counsel for the respondents 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, 32 years old, was an employee of Kamal Spinning Mills and earning Rs.1,000/- per month, which was wrongly held to be Rs.600/- by the Tribunal. The compensation assessed by it is on the lower side as a

multiplier of 20 should have been applied. He left behind a wife and three minor daughters. Further, Driver-Ram Kumar who took Murari Lal to the Civil Hospital disclosed in his statement that the deceased was not in a drunkard condition, as had been contended by the respondents before the Tribunal. 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, learned counsel for the respondents submit that the Tribunal has rightly assessed the compensation in light of the evidence led by the claimant-appellants, thus, pray for the dismissal of the present appeal.

5. Heard and perused.

6. There is no dispute with regard to the death of the deceased-Murari Lal, which occurred in a motor vehicular accident. In terms of the accident, the manner of its taking place, as well as liability fastened upon all the respondents, jointly and severally, it is pertinent to notice that no challenge to the Award has been made and thus, this issue does not warrant any further scrutiny.

7. An inspection of the award reveals that the Tribunal has rightly assessed the dependency to the tune of Rs.600/- per month, there being no evidence of his income being Rs.1000/-. However, with regard to the enhancement of the compensation, 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 Lambord Insurance Co. Ltd.**, (2022) 10 SCC 512 can be followed and accordingly the appellants are held entitled to grant of future prospects to the extent of

40%, he being on a fixed salary and also for the compensation under the conventional heads i.e. Rs.15,000/- for funeral expenses; Rs.1,20,000/- (40,000 x3) for loss of love and affection to three daughters and Rs.40,000/- loss of consortium to wife. The deceased being 32 years, the multiplier of 16 should be applied. Further, there were four dependents at that time, the deduction of 1/4th ought to be made.

8. Consequently, the total compensation comes to Rs.2,95,960/- (600 + 40% (towards future prospectus) - 1/4th (deduction towards personal expenses)x 12 x 16 (multiplier) +Rs.1,75,000/- (conventional head). Thus, the enhanced compensation of Rs.1,80,760/-, over and above the amount of Rs.1,15,200/- 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.

23.11.2023
gsv/ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No