
(2014) 03 P&H CK 0102
In the Punjab And Haryana At Chandigarh
Case No : F.A.O. No. 957 of 1999 (O&M)

Meenu Gupta

APPELLANT

Vs

Pepsu Roadways Transport Corporation

RESPONDENT

Date of Decision : 26-03-2014

Acts Referred:

Citation : (2014) 3 RCR(Civil) 426

Hon'ble Judges : Jitendra Chauhan, J

Bench : Single Bench

Advocate : Kuldeep Joshi and Harsh Aggarwal-II, Advocate for the Appellant;
G.S. Gill, Advocate for the Respondent

Final Decision : Allowed

Judgement

Jitendra Chauhan, J.—The present appeal has been preferred by the claimant appellants, seeking enhancement of the amount of compensation awarded vide impugned award dated 05.11.1998, passed by the learned Motor Accident Claims Tribunal, Patiala (for short, "the Tribunal"). The learned counsel for the appellants contends that the deceased was 31 years of age, therefore, the multiplier of 14 has been wrongly applied. It is further argued that nothing has been awarded for future prospects. The amount granted under the other heads is also on the lower side.

2. On the other hand, the learned counsel for the respondents has vehemently opposed the present appeal.

3. I have heard the learned counsel for the parties and perused the record.

4. In the instant case, the deceased was admittedly 31 years of age. Therefore, keeping in view the law laid down in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, the multiplier of 14 is enhanced to 16. Furthermore, keeping in view the law laid down in Rajesh and Others Vs. Rajbir Singh and Others, an increase of 50% is ordered towards future prospects of the deceased. In this way, the amount of compensation towards the head "loss of

dependency" would come to Rs. 5,100/- + 50% X 12 X 2/3 X 16 = Rs. 9,79,200/-, as against the amount of Rs. 5,71,200/-, awarded by the learned Tribunal.

5. It is further observed that the learned Tribunal has not awarded any amount towards "loss of consortium". Accordingly, the claimant-wife shall be entitled to an amount of Rs. 1,00,000/-, for loss of consortium. The claimant-mother of the deceased is also awarded a sum of Rs. 1,00,000/-, for loss of love and affection, in case she is alive.

6. The enhanced amount of compensation of Rs. 6,08,000/- [Rs. 4,08,000/- (enhancement towards loss of dependency) + Rs. 1,00,000/- (loss of consortium, payable only to the wife of the deceased) + Rs. 1,00,000/- (loss of love and affection, payable to the mother of the deceased on her furnishing an affidavit)], as indicated above, shall be payable to the claimants in the same manner as mentioned in the award, within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, they shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization. With the aforesaid modification in the impugned award, the present appeal is partly allowed.