**(2014) 08 P&H CK 0059**

**In the Punjab And Haryana At Chandigarh**

**Case No :** First Appeal from Order No. 325 of 2000

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| Rama Devi and Others | APPELLANT |
| Vs | |
| The Noona Majra Co-Operate Transport Society Ltd. and Others | RESPONDENT |

**Date of Decision :** 14-08-2014

**Acts Referred:**

**Citation :** (2015) 177 PLR 76

**Hon'ble Judges :** R.P. Nagrath, J

**Bench :** Single Bench

**Advocate :** Sanjeev Sharma, Advocates for the Appellant; Hardeep Singh for Vikram Singh, Advocates for the Respondent

## Judgement

R.P. Nagrath, J.—The prayer in this appeal is made for enhancement of the amount of compensation awarded by the Tribunal on 02.12.1999. The Tribunal awarded the compensation to the tune of Rs. 1,68,000/-. The accident took place on 24.05.1998. The Tribunal assessed the income of the deceased @ Rs. 3000/- per month. The deceased was about 23 years old and unmarried son of the appellant-claimants.

2. After hearing learned counsel for the appellants and counsel for the respondents, I am of the view that the reduction of the income by 2/3rd was not proper, rather the dependency should have been assessed at 50% so far as parents are concerned as per principle held by Hon''ble Supreme Court in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, 1.

3. There was even no addition made with regard to future prospects. It was submitted that the matter regarding award of compensation for future prospects in respect of the deceased who was not in the regular Government job has been referred to a larger Bench of Hon''ble Supreme Court in SLP (Civil) No. 8058 of 2014 (National Insurance Co. Ltd. v. Pushpa and others,). But some via media has to be adopted till the matter is finally decided. So looking into the year of accident, age of the deceased, who was likely to get married in near future and

 

ages of the parents, 30% is added towards loss of future prospects. The multiplication applied by the Tribunal was 14 for making the assessment by taking into account the ages of the appellant-claimants but the age of the deceased was not taken into account.

4. Looking into the facts of this case, 15 should have been proper multiplier and the amount of compensation would become Rs. 3,51,000/- (3000 + 900 = 3900/2 = 1950 x 12 = 23,400 x 15 = 3,51,000). The amount awarded by the Tribunal is stated to have paid to appellant-claimants.

5. The interest on the balance amount would be @ 7.5% per annum from the date of filing application before the Tribunal till the date of payment.

6. The Tribunal has also not awarded any compensation for the loss of love and affection nor any amount has been added towards funeral expenses. Taking into the account the year when the accident took place, I would award Rs. 1.5 lacs as lump-sum compensation under the aforesaid heads but the interest at the same rate over this additional amount would start running after one month from the date of receipt of certified copy of this order, in case the payment is not made within the aforesaid time. The appeal is allowed in the terms indicated above.

 