

(2014) 01 P&amp;H CK 0287

## High Court Of Punjab And Haryana At Chandigarh

Case No: FAO No. 2118 of 1998 (O and M)

Rita

APPELLANT

Vs

Ajit Singh

RESPONDENT

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**Date of Decision:** Jan. 23, 2014**Citation:** (2014) 175 PLR 312**Hon'ble Judges:** Anita Chaudhary, J**Bench:** Single Bench**Advocate:** S.D. Rathore, Advocate for the Appellant; Ravinder Arora, Advocate for the Respondent**Final Decision:** Allowed

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**Judgement**

Anita Chaudhary, J.

This is an appeal preferred by the claimants" seeking enhancement of compensation awarded to them by the Motor Accident Claims Tribunal, Karnal vide award dated 21.07.1998. The claim petition filed by the appellants was partly allowed. Piare Lal - husband of appellant No. 1 and father of appellant No. 2 died in an accident, which took place on 10.03.1994. The claimants" plea before the Tribunal was that Piare Lal used to sell fruits and was earning an income of Rs. 5,000/- per month. His age was stated as 25 years. The Tribunal observed that there, was no evidence regarding the income and it assessed the income at Rs. 1,500/- per month normally payable to a labourer those days. The multiplier of 16 was applied and compensation of Rs. 1,92,000/- was assessed. A sum of Rs. 10,000/- was added on other heads making the total to Rs. 2,02,000/-.

2. Learned counsel for the appellants has urged that the income assessed by the Tribunal was on the lower side and it needs to be increased. It was contended that a multiplier of 18 would be applicable instead of 16 as the deceased was 25 years old and the claimants were also entitled to increase in future income, a higher amount on account of loss of consortium, funeral expenses and loss of estate. Reliance was placed upon [Rajesh and Others Vs. Rajbir Singh and Others](#),

3. The argument on the other hand, was that the income which a person could earn in the year 1994 could only be assessed to calculate the compensation and a labourer could earn Rs. 5,000/- in the year 2009 and the income of the deceased was properly assessed. It was urged that the increase awarded by the Apex Court in Rajesh and other's case (supra) cannot be granted as there the accident had taken place in the year 2007 and the accident here relates to the year 1994. So far as the income is concerned, I am not inclined to make any change as a labourer could earn Rs. 1,500/- per month then but certainly the claimants are entitled to an addition of 50% on account of increase in future income. After adding that amount, the income would come to Rs. 2,250/- per month. After deducting 1/3rd towards personal expenses, the amount available for the family would be Rs. 1,500/- per month. Considering the age of deceased, the multiplier of 18 would be applicable and the compensation would work out to Rs. 3,24,000/-. The claimants are also entitled to proportionate increase for loss of consortium and on the head of funeral expenses and loss of estate in the light of the judgment of the Apex Court. As the accident is of the year 1994, the claimants are awarded Rs. 15,000/- on account of loss of consortium, Rs. 10,000/- as funeral expenses and Rs. 10,000/- on account of loss of estate. The compensation would thus come to Rs. 3,69,000/-. Out of this amount, the amount of Rs. 2,02,000/- awarded by the Tribunal shall be deducted. The remaining amount would be paid to the claimants in the same proportion with interest at the rate awarded by the Tribunal from the date of institution of petition till its realization.

The award stands modified. The appeal is allowed on the above terms.