

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

**FAO NO. 889 of 2003 (O & M)
Decided on : 05.08.2015**

Bimla Yadav and another

...Appellants

versus

Jakir Hussain and others

...Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. Gagandeep Rana, Advocate,
for the appellants.

Respondent No.3 ex parte.

K. C. PURI, J. (ORAL)

This is an appeal directed by the parents of deceased Ajit Singh against the Award dated 25.01.2003 passed by Shri A.K.Singh Panwar, Motor Accident Claims Tribunal, Gurgaon, vide which the claim petition preferred by the claimants was partly accepted.

Insurance Company was duly served but none appeared on its behalf and as such, the Insurance Company was proceeded ex parte vide order dated 10.07.2015.

Briefly stated, Bimla Yadav-mother and Inderjeet Singh-father of deceased Ajit Singh filed claim petition seeking compensation on account of death of their son Ajit Singh in a

motor vehicular accident alleging therein that on 07.12.2000, Ajit Singh along with his friends Satpal Sharma and Manish was going in jeep bearing registration No. HR-28-A-0076 from Gurgaon to Ahir Majra. When they reached Khandora Mor on National Highway- 8 near Shahjapur, one truck bearing registration No. HR-38-C-9583 hit the jeep due to which the deceased sustained multiple injuries and was rushed to Community Health Centre, Bawal where he succumbed to his injuries on 08.12.2000. The claim petition was resisted and ultimately, the same was partly allowed and a sum of ₹2,05,000/- was allowed to the claimants.

The claimants have preferred the instant appeal for enhancement of compensation.

Learned counsel for the appellant has not challenged the income of the deceased. The Tribunal has taken the income of deceased as ₹60,000/- per annum. However, he has further submitted that future prospects have not been taken into consideration. He has further submitted that in view of authority **"Rajesh and others vs Rajbir Singh and others" 2013 (3) RCR (Civil) 170**, 30% has to be added in respect of future prospects.

I have considered the said submission. The argument carries weight and has to be accepted.

So, the income of deceased is taken as ₹78,000/- per annum after adding 30% in respect of future prospects. However, the claimants are parents of deceased and in view of authority

"Sarla Verma and others vs. Delhi Transport Corporation and another" 2009 (3) RCR (Civil) 77, 50% has to be deducted in respect of personal expenses. So, after deducting 50% in respect of personal expenses, the yearly dependency comes to ₹39,000/-.

The next contention raised by learned counsel for the appellant is that multiplier should be applied keeping in view the age of deceased. The said contention also carries weight and has to be accepted in view of three Judges Bench authority in case titled as, **"Munna Lal Jain and another vs. Vipin Kumar Sharma and others" passed in Civil Appeal No. 4497 of 2015 decided on 15.05.2015**. The Hon'ble Apex Court in **Munna Lal Jain and anothers' case (supra)**, has held that the relevant factor for deciding the multiplier is the age of deceased. So, as per **Sarla Verma and others' case (supra)**, the multiplier applicable at the age of 40 is 15. So, by applying that multiplier, the amount of compensation comes to ₹5,85,000/-. It is further submitted that the amount in respect of expenses on last rites and transportation and loss of love and affection is on lower side. However, that amount has to be allowed keeping in view the price index of the year 2000 when the accident took place. So, a sum of ₹15,000/- stands allowed in respect of expenses on last rites and transportation of dead body. The claimants are further held entitle to claim ₹50,000/- in respect of loss of love and affection. In this manner, the claimants are held

entitle to claim Rs.6,50,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till its realisation. The liability to pay the amount shall remain the same as ordered by the Tribunal. The amount shall be shared by both the claimants equally.

Disposed of.

AUGUST 05, 2015
shalini

(K. C. PURI)
JUDGE