IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO NO. 1684 OF 2000 (O&M)
DECIDED ON : 27.05.2015

Jindo and another
...Appellants

versus

Gurmeet Singh and others
...Respondents

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

Present : Mr. Gulzar Mohd. Advocate,
for the appellants.

Mr. S. S. Rangi, Advocate,
for respondents No.1 and 2.

Mr. Neeraj Khanna, Advocate,
for respondent No.3.

<u>K. C. PURI, J. (ORAL)</u>

This is an appeal directed by Jindo-mother and Atma Ram-father of deceased Yash Pal, against the Award dated 28.01.1999 passed by Ms. Bakshish Kaur, Motor Accident Claims Tribunal, Ludhiana, vide which the claim petition was partly accepted and a sum of ₹2,06,000/- was awarded as compensation.

The Tribunal has taken the income of deceased as ₹2500/- per month. The dependency has been taken as ₹1000/-

per month. The yearly dependency has been taken as ₹12,000/-. The multiplier of 17 has been applied, keeping in view the age of deceased. In this manner, a sum of ₹2,04,000/- was allowed. Another sum of ₹2000/- was allowed in respect of funeral charges. In this manner, a total sum of ₹2,06,000/- was allowed as compensation.

Learned counsel for the appellants has submitted that dependency has been taken on lower side and it should have been calculated keeping in view the authority ***"Sarla Verma and others vs. Delhi Transport Corporation and anr." 2009 (3) RCR (Civil) 77.*** He has further contended that future prospects should have been taken into account. It is also contended that the amount in respect of last rites is also on lower side.

Learned counsel for the appellants has further contended that no amount in respect of loss of love and affection has been granted and the same be allowed keeping in view the authority ***"Anjali Singh and others vs. Salauddin and others" 2014 (3) RCR (Civil) 366***.

Learned counsel for the Insurance Company has supported the Award passed by the Tribunal and has submitted that the multiplier has to be applied according to the age of parents. It is further contended that the multiplier is already on higher side. It is further contended that no amount in respect of future prospects can be allowed as the matter is subjudiced before the Larger Bench of Hon'ble Apex Court.

I have considered the submissions made by both the sides and have gone through the records of the case.

The occurrence has taken place on 01.01.1996. The income of deceased has been taken as ₹2500/- per month. None of the parties have challenged the income aspect. So, the income of deceased is taken as ₹2500/- per month.

The second question which arises for consideration of this court is as to how much should be the deduction in respect of personal expenses. The answer to that question has been given by the Hon'ble Apex court in ***Sarla Verma and others' case (supra),*** as according to that case, in a case of bachelor, the deduction should be one half in respect of personal expenses.

Learned counsel for the appellants has further submitted that the age of deceased should be taken into account while applying the multiplier. To support this contention, he has relied upon authority "***Amrit Bhanu Shali and others vs. National Insurance Company Limited and others" 2012 (4) RCR (Civil) 343.***

I have considered the said submission but do not find any force in the same.

The three Judges Bench of this court in authority "***New India Assurance Company Limited vs. Shanti Pathak" 2007 (10) SCC 1,*** has held that age of the parents is relevant for deciding the multiplier in case the deceased is a bachelor.

The other question raised by learned counsel for the appellants is regarding future prospects. Now the question arises whether future prospects have to be taken according to the age of parents or the age of deceased ? However, I am of the considered opinion that in case of a bachelor, the future prospects have to be allowed keeping in view the age of parents. Jindo-mother of the deceased, while appearing in the witness box as her own witness, has given her age as 40 years, which has not been challenged in her cross-examination. So, the age of Jindo-mother of deceased is taken as 40 years. According to ***Sarla Verma's case (supra),*** 30% has to be added in respect of future prospects between the age group of 40-50. So, by adding 30% in respect of future prospects, the income of deceased is taken as ₹3250/-. The deduction in respect of personal expenses has to be taken to the extent of one half. So, by deducting one half in respect of personal expenses, the monthly dependency comes to ₹1625/-. The yearly dependency comes to ₹19,500/- (1625 x 12). The multiplier applicable at the age of 40 is 15. So, by applying the said multiplier, the amount of compensation comes to ₹2,92,500/-.

The amount in respect of funeral expenses, transportation of body and loss of love and affection has to be given keeping in view the price index of the year 1996 when the accident took place. So, the claimants are held entitled to claim ₹10,000/- in respect of funeral expenses and transportation of body. The claimants are further held entitle to claim ₹25,000/- in respect of loss of love and affection. In this manner, the claimants are held entitle to claim ₹3,2 7,500/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of filing the application till its realisation. The liability to pay the amount shall remain the same as ordered by the Tribunal.

Disposed of accordingly.

MAY 27, 2015 **(K. C. PURI)**
shalini **JUDGE**