

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.649 of 1996 (O&M)
Date of Decision: January 12, 2015

Nasib Kaur and others

..Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Ms. Deepali Puri, Advocate
for the appellants.

Mr. B.S. Bhullar, AAG, Punjab.

ANITA CHAUDHRY, J.

1. This is the claimants' appeal seeking enhancement of the award dated 05.09.1995, passed by the Motor Accident Claims Tribunal, Patiala (here-in-after referred to as the Tribunal).
2. Pavittar Singh, an unmarried boy aged 21 years, a Constable with Punjab Police met with an accident on 17.01.1993. The parents and the minor sister filed the claim petition seeking compensation. The Tribunal found that the deceased was getting a salary of Rs.2,300/- per month. It noted that he would have got married in 3 – 4 years. The Tribunal also noted that a sum of Rs.22,000/- had been received by his heirs from the Department. It noted that the parents were in the age group of 50-55. Considering all these aspects, an award of Rs.20,000/- was passed, to be paid by respondents no.1 & 2 jointly with interest @ 12%.

3. The submission made on behalf of the appellants is that the Tribunal did not apply the multiplier method and the future increase in income was not added and no amount was granted for loss of estate and funeral expenses and they were entitled to enhanced amount.

4. The submission on the other hand was that the Tribunal had noted the circumstances and had rightly awarded lump-sum amount as it was a case of death of unmarried son. It was urged that the unmarried sister was not dependant upon the deceased.

4. It is not disputed that Pavitter Singh was unmarried and was 21 years old. The parents were in the age group of 50 – 55 and it was not disputed that he was getting salary of Rs.2,300/- per month. Therefore, an addition of 50% had to be made towards future prospects and the total income would come to Rs.3450/-. Since, the deceased was a bachelor, 50% deduction has to be made as per the decision of Hon'ble Supreme Court in **Sarla Verma and others Vs. Delhi Transport and another**, 2009(3) RCR (Civil) 77 . The amount available for the family would be Rs.1,725/- per month. The Annual contribution would come to Rs.20,700/- and applying the multiplier of 11, considering the age of the parents, the compensation would come to Rs.2,27,700/-. To this a sum of Rs.5,000/- should be added as funeral expenses and a sum of Rs.10,000/- is added as loss of estate; raising the total to be Rs.2,42,700/-. Out of this amount, the amount awarded by the Tribunal shall be deducted. The remaining amount shall be paid by respondents no.1 & 2 within two months, failing which the

appellants would be entitled to interest at the same rate as awarded by the Tribunal from the date of filing of the appeal, till realization.

(ANITA CHAUDHRY)
JUDGE

January 12, 2015
sunil