

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

**FAO No.2518 of 1999 (O&M)
Date of Decision: April 06, 2015**

Giano and others

.... Appellants

vs.

Sant Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ishwar Lal, Advocate for the appellants.

Mr. O.P. Sharda, Advocate for respondent No.1.

Mr. R.S. Pathania, Deputy Advocate General, Punjab
for respondent No.2-State.

Mr. R.S. Ahluwalia, Advocate for respondent No.3.

Mr. Suvir Dewan, Advocate for respondent No.5.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

The present appeal has been preferred by the claimants against the Award dated 10.02.1999 passed by the Motor Accident Claims Tribunal, Jalandhar (in short 'the Tribunal'), vide which compensation of ₹2,88,000/- (rupees two lac eighty eight thousand only) was awarded to Giano, mother of deceased Charanjit Singh along with interest @ 12% per annum from the filing of the claim petition till its realization.

Brief facts of the case are that on 02.11.1994 at about 12.30 p.m., Charanjit Singh (now deceased) was driving auto

rickshaw bearing registration No.PB-08J-9718 and was carrying passengers from Nakodar to Kartarpur. When he reached near the petrol pump (Chaudhary Filling Station), a bus bearing registration No.PB-11B-9369 of PRTC Depot at high speed, rashly and negligently came from Amritsar side being driven by RW1, without giving any horn hit the auto rickshaw driven by Charnajit Singh (now deceased). As a result of which Charanjit Singh died. The deceased was only 22 years of age and was un-married. The Tribunal assessed the income of the deceased @ ₹3,000/- per month. 1/3rd of the income was deducted as personal expenses and multiplier of 12 was applied as per the age of the mother of the deceased and compensation of ₹2,88,000/- was awarded.

The contention of learned counsel for the appellants is that the multiplier as per the age of the deceased should have been applied as held in the authority of ***“Amrit Bhanu Shali vs National Insurance Co. Ltd. (SC) 2012(4) R.C.R. (Civil) 343***, and that nothing has been awarded on account of loss of love and affection and funeral expenses.

On the other hand, learned counsel for the respondents have argued that since the deceased was unmarried, 50% deduction should have been made on account of personal expenses.

Keeping in view the entirety of the matter, I am of the view that the income of the deceased @ ₹3,000/- per month was rightly

assessed by the Tribunal. 50% of the income should have been deducted on account of personal expenses. Thus, dependancy of the claimants comes to ₹1,500/- per month. After applying the multiplier of 18 as per the age of deceased, the amount of the compensation comes to ₹3,24,000/- ($₹1500 \times 12 \times 18$). Since, the accident occurred in the year 1994, therefore, ₹50,000/- on account of loss of love and affection to the mother and ₹25,000/- on account of funeral expenses and last rites are allowed. Thus, total amount of compensation comes to ₹3,99,000/- (rupees three lac ninety thousand only)

Learned counsel for the appellants has argued that the minor brother and sisters of the deceased were depending upon him and had been wrongly denied any share in the compensation.

Keeping in view the facts and circumstances, I am of the view that the minor brother and sisters should have also been awarded some compensation on account of loss of dependancy upon the deceased, who was only earning member of the family.

As a result of the foregoing discussion, the compensation is enhanced to ₹3,99,000/-. The enhanced amount shall be paid with interest @ 7.5% per annum from the date of filing of the claim petition till its realization.

Out of the total awarded amount to the claimants, a fixed sum of ₹25,000/- each shall go to minor brother and sisters of the deceased. Remaining amount shall go to the mother of the

deceased. Since the case is of the year 1994, all the minors are presumably have become major, keeping in view the age mentioned in the claim petition which is 11 years and above.

The present appeal is accordingly allowed to the aforesaid extent.

April 06, 2015
sarita

(KULDIP SINGH)
JUDGE