

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

FAO No.2659 of 1999

Date of decision: 07.07.2015

Bachni and others

....Appellants

Versus

Sawaran Singh and others

....Respondents

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

Present: Mr. Vivek Suri, Advocate
for the appellants.

Mr. R.K. Bashamboo, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This is an appeal directed by parents and brother of deceased-Jarnail Singh aged about 20-21 years, who died in a motor vehicular accident on 29.04.1994.

The learned Tribunal after adjudication partly accepted the claim petition and allowed a sum of Rs.1,00,000/-. The income of the deceased has been taken as Rs.1500/- per month. Contribution of the deceased towards family has been taken to the extent of 1/3rd of the income of the deceased. The dependency has been taken as Rs.500/- per month and the yearly dependency has been taken as Rs.6,000/-. The multiplier of 16 was applied and the amount of compensation was calculated as Rs.96,000/-. The

claimants are also held entitled to claim Rs.4,000/- in respect of funeral expenses and in this manner, the total amount of Rs.1,00,000/- was allowed along with interest @ 12% per annum.

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

Learned counsel for the appellant has submitted that the deceased was 20-21 years of age. Although, he was a bachelor but in view of authority **“Smt. Sarla Verma and others vs. Delhi Transport Corporation and another”** reported in **2009(3) R.C.R. (Civil) 77**, the dependency should have been calculated by deducting $\frac{1}{2}$ in respect of personal expenses. It is further contend that future prospects of the deceased should have been taken into account. It is also contended that the multiplier applicable would be according to the age of the deceased which as per Sarla Verma's case (supra) was 18. It is also contended that no amount in respect of loss of love and affection has been allowed and the amount in respect of funeral expenses is on lower side.

Learned counsel for the appellant has relied upon the authority **“Munna Lal Jain and another vs Vipin Kumar Sharma and others”** in **Civil Appeal No.4497 of 2015 decided on 15.05.2015.**

In reply to the above submissions, learned counsel for the insurance company has submitted that future prospects cannot be allowed as deceased was not a permanent government

employee. It is further contended that the multiplier applicable should be according to the age of parents and excessive multiplier has already been applied by learned Tribunal.

I have considered the submissions made by learned counsel for both the parties and have gone through the record.

Some of the admitted facts are that deceased was a bachelor, aged about 20-21 years and the claimants are parents and minor brother of the deceased.

The income of the deceased has been taken as Rs.1,500/- per month in the year 1994 and none of the parties has argued about the income of the deceased. So, the income of the deceased is taken as Rs.1,500/- per month.

The other question arose before this Court is whether the claimants are entitled to claim the compensation after taking into account the future prospects. The answer to that question has been given by the Hon'ble Apex Court in Munna Lal Jain's case (supra) relying upon the authority "**Rajesh and others Vs. Rajbir Singh and others**" reported in **2013(3) R.C.R. (Civil) 170**. The Hon'ble Apex Court has held that 50% amount has to be added in respect of future prospects even, in case the deceased is a bachelor. So, after adding 50% amount in respect of future prospects, the income of the deceased comes to Rs.2,250/- per month. None of the parties have disputed that in case of bachelor, the deduction in respect of personal expenses in view of the authority Sarla Verma's

case (supra), should be $\frac{1}{2}$. So, the monthly dependency of the claimants comes to Rs.1,125/- per month after deducting $\frac{1}{2}$ in respect of personal expenses and the yearly dependency comes to Rs.13,500/- (1,125 x 12).

The next question arose before this Court is regarding the multiplier in case the deceased is a bachelor. The answer to that question has also been given by Hon'ble Apex Court in Munna Lal Jain's case (supra) by holding that the age of the deceased is the relevant factor for determining the multiplier.

At this stage, learned counsel for the respondent has relied upon authority “**New India Assurance Company Ltd. Vs Shanti Pathak (Smt.) and others**” reported in (2007) 10 SCC 1, and on the strength of the same, it is argued that the multiplier should be applicable according to the age of the parents. However, the Hon'ble Apex Court in Munna Lal Jain's case (supra) held that in case the age of the dependent is taken into account in that case there will always be room for dispute as to whether the age of the eldest or youngest or even the average, etc. is to be taken. So, the Hon'ble Apex Court has discussed the authority Sarla Verma's case (supra) and by mentioning that authority it was held that multiplier has to be applied according to the age of the deceased. In the present case, the deceased was 20-21 years and as per Sarla Verma's case (supra), the multiplier applicable at the age of 20-25 is 18. So, by applying that multiplier, the amount of compensation

comes to Rs.2,43,000/-. The Tribunal has allowed a sum of Rs.4,000/- in respect of last rites. However, no amount in respect of transportation has been given. So, another sum of Rs.3,000/- stands allowed in respect of transportation of dead body. The claimants have not been allowed any amount in respect of loss of love and affection. So, keeping in view the price index of the year 1994, another sum of Rs.25,000/- stands allowed in respect of loss of love and affection. So, in this manner, the claimants are held entitled to claim Rs.2,75,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. The liability to pay the amount shall be same as ordered by the Tribunal.

Appeal stands disposed of, accordingly.

A copy of this order be sent to the Tribunal for compliance.

07.07.2015

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(K.C. PURI)
JUDGE