

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

**FAO NO. 3313 OF 2003 (O&M)  
DECIDED ON : 29.06.2015**

**Jeet Ram and another**

**...Appellants**

**versus**

**Om Parkash Singh and others**

**...Respondents**

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

Present : Mr. Navneet Chhokar, Advocate,  
for the appellants.

Mr. Aseem Aggarwal, Advocate,  
for respondent No.3.

**K. C. PURI, J. (ORAL)**

This is an appeal directed by the claimants against the Award dated 16.04.2003 passed by Ms. Nirmal Yadav, Motor Accident Claims Tribunal, Faridabad, vide which the claim petition was partly accepted and a sum of ₹1,34,000/- was allowed as compensation.

Since, this is an appeal for enhancement of compensation, so other facts need not to be narrated.

The Tribunal has taken the income of deceased as ₹2100/- per month. 2/3<sup>rd</sup> amount has been deducted in respect of personal expenses. In this manner, the monthly dependency has been calculated as ₹700/-. The yearly dependency has been taken as ₹8400/- (700 x 12). The age of parents of the deceased has been taken as 40 years. So, the multiplier of 16 has been applied. In this manner, a sum of ₹1,34,000/- has been allowed as compensation.

In this case, the income of deceased has been taken as ₹.2100/- per month as a labourer. That aspect does not call for interference. However, the Tribunal should have calculated the amount by keeping in view the future prospects of the deceased. Since the deceased was a bachelor, the Tribunal has rightly taken the age of parents as a relevant factor. The age of the parents has been taken as 40. So, according to authority **"Sarla Verma and others vs. Delhi Transport Corporation and anr."** 2009 (3) RCR (Civil) 77, 30% should be added in respect of future prospects, at the age of 40. So, by adding that 30%, the income of deceased comes to ₹2730/-. The dependency in respect of parents has to be calculated by taking into consideration **Sarla Verma and others' case (supra)**. So, the dependency is taken as ₹1365/- per month that is 50% of the income. The yearly dependency comes to ₹16,380/- (1365 x 12). The multiplier applicable at the age of 40 is 15, according to **Sarla Verma and others' case (supra)**. So, by applying the

multiplier of 15, the amount of compensation comes to ₹2,45,700/-. The claimants are also held entitled to claim ₹15,000/- in respect of funeral expenses, transportation, keeping in view the price index of the year 2001 as the accident took place in the year 2001. 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 ₹2,87,500/- as compensation. 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. The enhanced amount shall be shared equally by the claimants.

Disposed of.

**JUNE 29, 2015**  
shalini

**(K. C. PURI)**  
**JUDGE**