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

**FAO No.5688 of 2005 (O&M)**
**Date of Decision: October 13, 2015.**

Ram Rattan and others

**..........APPELLANT(s).**

**VERSUS**

Gurdial Singh and others

**........RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Surender Deswal, Advocate
for the appellant (s).

Mr. R.C. Gupta, Advocate
for respondent No.4.

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**<u>SURINDER GUPTA, J.</u>**

This appeal has been filed by appellants-claimants against the award dated 01.04.2005 passed by Motor Accident Claims Tribunal, Panchkula (later referred to as the Tribunal) seeking enhancement of compensation for the death of Punnu Ram (later referred to as the deceased), their father in a motor accident with truck bearing registration No.HNS-2928 (later referred to as the offending vehicle).

The Tribunal took the age of the deceased as 65 years, assessed his monthly income as ₹2,100/- and after applying a cut of 1/3rd of his income towards his personal expenses, the dependancy towards the claimants was assessed as ₹1400/- per month and on applying a multiplier of

5, compensation of ₹84,000/- was awarded.

The detailed facts of the case are not being discussed as only question involved in this appeal is as to whether the claimants are entitled to enhancement of compensation for the death of their father in accident with offending vehicle.

Learned counsel for the appellants-claimants has argued that the Tribunal has wrongly applied the multiplier of 5 instead of 7 while calculating the compensation. As per the observations in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121,*** multiplier of 7 is applicable when the age of deceased was 65 years. He has further argued that no compensation has been allowed towards funeral expenses and loss of love and affection for the claimants.

Learned counsel for respondent No.4-insurance company has argued that all the claimants are major, as such, were not dependant on the income of the deceased. The claimants are entitled to compensation only towards funeral expenses and loss of love and affection.

Mother of claimants has already expired. The claimants have stated that their father was giving his entire income to run the household. Even otherwise, household in the family of lower middle class is run by the income of all the major members of the family and the sons always remain dependant on their father, who till his last breath tries to uplift the family and helps the major sons and also the grand children.

In view of the above, the Tribunal has rightly allowed compensation for the loss of income. However, the multiplier applicable in this case as per the observations in case of ***Sarla Verma and others Vs.***

***Delhi Transport Corporation and Anr. (supra)*** is 7. The amount of dependancy by applying multiplier of 7 works out to 1400X12X7= ₹1,17,600/-. The death has taken place in the year 2002. Keeping in view this fact, the claimants are also allowed a sum of ₹10,000/- towards funeral expenses and ₹25,000/- towards loss of love and affection. The total compensation, as such, works out to ₹1,52,600/-.

The appeal is accordingly accepted and the compensation awarded by the Tribunal is enhanced to ₹1,52,600/-. The claimants are also entitled to interest on the enhanced amount of compensation @ 7.5% per annum from the date of filing of the claim petition till actual realization. The amount of compensation shall be paid by respondent No.4-National Insurance Company Limited at the first instance which as per the observations of the Tribunal shall have the recovery rights against the owner of the offending vehicle i.e. respondents No.2 and 3.

**( SURINDER GUPTA )**
**JUDGE**

**October 13, 2015.**
*Sachin M.*