221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1823 of 2008 (O&M)
Decided on: 24.8.2015.

Veena and another

... Appellants

Versus

Jagjit Singh and another

... Respondents

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

Present : Ms. Ekta Thakur, Advocate,
for the appellants.

Mr. Paul S. Saini, Advocate,
for respondent No.2.

K.C.PURI.J.(ORAL)

This is an appeal directed by unfortunate parents of Ankit Sabharwal who died in a motor vehicular accident on 21.9.2004. Learned Tribunal partly accepted the claim petition and allowed a sum of Rs.9,73,850/- as compensation. The income of the deceased was taken as Rs.11,265/- per month as per salary certificate. Rs.500/-were deducted as that sum related to mobile phone reimbursement expenses. The income was taken as Rs.10,765/-. The yearly income was taken as Rs.1,29,100/-. One half amount was deducted in respect of personal expenses and the dependency was taken as Rs.64,590/-. The multiplier of 15 was applied and the loss of dependency was assessed as Rs.9,68,850/-. A sum of Rs.25,00/- was allowed in respect of funeral expenses and another sum of Rs.25,00/- was allowed in respect of loss of estate. In this manner, total compensation of Rs.9,73,850/- was awarded to the claimants.

The claimants aggrieved by the Award dated 18.2.2008 passed by Sh. R.S. Attri, Motor Accident Claims Tribunal, Chandigarh (for short “the Tribunal”) have directed this appeal for enhancement of compensation.

Learned counsel for the appellants has submitted that the Tribunal has not taken into account the future prospects; the multiplier should have been applied at the relevant age which was 23 years; no amount in respect of loss of love and affection has been awarded and; the amount awarded in respect of funeral expenses is on lower side.

In reply to above noted submissions, learned counsel for the insurance company has supported the Award and has submitted that multiplier has to be applied according to the age of parents. Future prospects cannot be taken into account as the deceased was not a government employee.

I have considered the said submissions made by both the sides and have gone through the case file.

The income of the deceased has been taken as Rs. 10,765/- as per salary certificate after deducting Rs.500/- in respect of mobile phone reimbursement. The income part has not been challenged by either of the parties. So, the income of the deceased is taken as Rs.10,765/- per month.

The next question which requires determination is whether the future prospects should have been allowed. The answer to this question has been given by a 3-judge Bench of the Hon'ble Apex Court in authority **Munna Lal Jain and another vs. Vipin Kumar Sharma and others in C.A. No.4497 of 2015 decided on 15.5.2015** in which relying upon the authority of **Rajesh and others vs. Rajbir Singh and others 2013 ACJ 1403** it has been held that the future prospects in respect of fixed salaried person or self employed person has to be given. The deceased was 23 years old and as such by adding 50% in respect of future prospects, the income of the deceased comes to Rs.16,147.5 per month. Since the deceased was a bachelor and as such one half has rightly been deducted by the Tribunal in view of authority **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009(6) SCC 121.** So, the dependency of the claimants comes to Rs.8073.75 per month and yearly dependency comes to Rs.96,885/-.

The next question which requires determination is whether the age of the parents is to be taken into account or the age of of the deceased has to be taken into account for applying the multiplier. The answer to that question has also been given by the Hon'ble Apex Court in **Munna Lal Jain's case** wherein it has been held that age of the deceased is relevant factor for applying the multiplier. The reasoning given by the Hon'ble Apex Court is that there may be different claimants of different age and as such which age has to be taken into account would be a matter of confusion. So, relying upon the said authority, the multiplier applicable at the age of 23 years is 18. By applying that multiplier, the amount of compensation comes to Rs.17,43,930/-.

The amount of funeral expenses and loss of love and affection has to be allowed keeping in view the price index of 2004. So, a sum of Rs.15,000/- stands allowed for last rites and transportation and another sum of Rs.50,000/- stands allowed in respect of loss of love and affection and in this manner, the claimants are held entitled to claim Rs.18,08,930/- say Rs.18,08,900/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of filing claim application till payment. The liability to pay amount shall be the same as ordered by the Tribunal.

The appeal stands disposed of accordingly.

24.8.2015. **(K.C.PURI)**
SN **JUDGE**