

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

**FAO No. 1467 of 2012(O&M)
Date of Decision: 04.02.2015**

Kamlesh & Anr.

... Appellants/claimants

vs.

Ramkesh & Ors.

... Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. R.K. Saini, Advocate
for the appellants/claimants.**

**Ms. Vandana Malhotra, Advocate with
Ms. Monika Jangra, Advocate
for respondent No.3.**

ANITA CHAUDHRY, J.

This appeal is by the claimants seeking enhancement in the award dated 03.10.2011 passed by the Motor Accident Claims Tribunal, Jind (for brevity, 'the Tribunal')

The parents of deceased Ghanshyam sought compensation under the Motor Vehicles Act. The Tribunal took the income of the deceased at Rs.3600/- per month being the minimum wages at the relevant time and since the deceased was a bachelor, a deduction of 50% was made and taking the age of the parents, the multiplier of 12 was applied and the calculation was made at Rs.2,59,200/-. A sum of Rs.10,000/- was awarded for transportation and funeral expenses.

The submission made on behalf of the appellant is

that the minimum wages in Haryana in July 2010 were Rs.4348/- and the calculations have to be made taking the multiplier as that of the deceased in view of **Amrit Bhanu Shali & Ors. Vs. National Insurance Company Ltd. & Ors. 2012(4) RCR (Civil) 343**. It was urged that the amount awarded as funeral expenses was on lower side and appellants were also entitled to compensation for love and affection.

Supporting the judgment, submission made on behalf of the insurance company was that as per the latest view of the Apex Court, the age of the parents is to be taken into consideration while calculating the loss and the Tribunal had awarded adequate amount for funeral expenses.

The minimum wages in July 2010 for an unskilled labourer was Rs.4348.21 ps. which is rounded off to Rs.4350/-. Since the minimum wages are being taken into consideration, an addition of 50% has to be made towards future loss. The income would come to Rs.6525/-. Deducting 50% towards personal expenses, the contribution to the family would come to Rs.3262/- and the annual contribution would come to Rs.39,144/-. The multiplier, taking the age of the parents was correctly applied in view of **Ashvinibhai Jayantilal Modi Vs. Ram Karan Ramchandra Sharma, 2014(4) RCR(Civil) 543 (SC)**, wherein the Apex Court had taken the multiplier of 13 when the deceased was 19 years of age. Applying the multiplier of 12, compensation would come to Rs.4,69,728/-. Besides this, Rs.15000/- is awarded for loss of love and affection and adding Rs.5000/- towards funeral expenses, the total comes to Rs.4,89,728/-. The Tribunal had awarded Rs. 2,69,200/- which shall be deducted and

the remaining amount would be paid to the appellants in the same ratio as allowed by the Tribunal within two months failing which the appellants would be entitled to interest @ 6% per annum which is present mercantile rate.

The appeal is partly allowed.

04.02.2015

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**(ANITA CHAUDHRY)
JUDGE**