

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

FAO No.7342 of 2011 (O&M)

Date of decision: 10.08.2015

Tarsem Singh and another

....Appellants

Versus

Kuldeep Singh and another

....Respondents

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

Present: Mr. O.P.S. Tanwar, Advocate
for the appellants.

Mr. Vishwajit Bedi, Advocate
for respondent No.2.

K.C. PURI J. (Oral)

Unfortunate parents have directed this appeal against the award dated 05.04.2010 passed by Sh. Najar Singh, Motor Accident Claims Tribunal, Kurukshetra, vide which the claim petition was partly accepted.

Briefly stated, Tarsem Singh-father and Darshani-mother filed claim petition under Section 166 of the Motor Vehicles Act, 1988, claiming compensation to the tune of Rs.18,00,000/- on account of death of Sohan Lal son of claimants on 27.09.2006 in Shahabad, District Kurukshetra.

The learned Tribunal after adjudication partly accepted

the claim petition and allowed a sum of Rs.2,82,000/-.

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

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

I am of the considered view that re-calculations are required to be made in the present case. The income of the deceased has been taken as Rs.4,000/- per month, though learned counsel for the appellant has submitted that it should be taken as Rs.5,500/- per month, but I am of the view that in the year 2006, the income of Rs.4,000/- is correctly assessed. However, the age of the deceased was 25 years and future prospects has not been taken into account. So, after adding 50% amount in respect of future prospects in view of authority ***“Rajesh and others Vs. Rajbir Singh and others”*** reported in 2013(3) R.C.R. (Civil) 170, the income of the deceased is taken as Rs.6,000/- per month. The deceased was a bachelor and as such, ½ of the amount has to be deducted in respect of personal expenses. So, the dependency of the claimants comes to Rs.3,000/- per month and the yearly dependency comes to Rs.36,000/-. The Hon'ble Apex Court in recent authority ***“Munna Lal Jain and another vs Vipin Kumar Sharma and others”*** in Civil Appeal No.4497 of 2015 decided on 15.05.2015, has held that multiplier has to be applied according to

the age of the deceased even if the deceased was a bachelor. So, by applying the multiplier of 18, the amount of compensation comes to Rs.6,48,000/-. Keeping in view the price index prevailing in the year 2006, Rs.15,000/- stands allowed in respect of funeral expenses and transportation of dead body. Another sum of Rs.50,000/- stands allowed in respect of loss of love and affection. A sum of Rs.4,000/- has been allowed in respect of expenses on treatment, that amount stands maintained. So, in this manner, the claimants are held entitled to claim Rs.7,17,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till payment. The liability to pay the enhanced 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.

10.08.2015

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(K.C. PURI)
JUDGE