

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

FAO No. 3549 of 2012(O&M)

Date of decision: 17.07.2015

Anita Devi and another

-----Petitioner (s)

V/s

Vinod and others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE KULDIP SINGH

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. J.S. Saneta, Advocate for the the appellants.

Mr. Amrinder Singh Sidhu, Advocate for respondent
No.3.

KULDIP SINGH, J.(Oral)

The appellants have filed the present appeal against the award dated 27.01.2012 passed by the Motor Accident Claims Tribunal, Sonipat (for short "the Tribunal).

The present appellants are the unfortunate parents of Rahul, aged about 19 years, who died in motor vehicular accident which took place on 14.05.2010 when his bicycle was hit by canter bearing registration No. HR-38J-8357, being driven by respondent No.1-driver. The deceased was working as a security man in Rice Mill. The Tribunal has assessed the income of the deceased at Rs.3600/- per month, which are the minimum wages which were prevailing at that time. ½ was deducted on account of personal expenses and multiplier of 13, as per the age of the parents was applied. The compensation was calculated at Rs.2,80,800/- A sum of Rs.5,000/- for funeral and transportation expenses and

Rs.7,500/- for loss of estate were also awarded. Consequently, award of Rs.2,93,300 was passed.

I have heard learned counsel for the appellants, learned counsel for respondent No.3 and have carefully gone through the case file.

So far as the income of the deceased is concerned, the same was rightly calculated as per the minimum wages. However, no future prospects were awarded. Recently, the authority of Three Judges Bench of the Hon'ble Supreme Court in **Munna Lal Jain and another Vs. Vipin Kumar Sharma and others** in civil appeal No. 4497 of 2015, decided on 15.05.2015 was examined by this Court. Therefore, the future prospects have to be awarded to the claimants and multiplier as per the age of the deceased is to be applied. It being so, the compensation is being recalculated. A sum of Rs.1800/- are added on account of future prospects, being the 50% of the income of the deceased. The total income comes to Rs.5400/-. After deducting the ½, the dependency of the claimants comes to Rs.2700/-. Multiplier of 18, as per the age of the deceased is applied. The amount of compensation comes to Rs.5,83,000/-. Rs.1,00,000/- on account of love and affection to the parents, Rs.25,000/- for funeral expenses and another sum of Rs.25,000/- for loss of estate are also allowed. The total amount comes to Rs.7,33,200/- The enhanced compensation shall be paid with interest @ Rs.7.5% from the date of filing of claim petition till its realization.

In view of the above, the present appeal is accordingly allowed.

July 17, 2015
Anjal

(KULDIP SINGH)
JUDGE