IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3913 of 2012 (O&M)
Date of decision: 11.08.2015

Munni Devi and another

….Appellants

Versus

Subhash and others

….Respondents

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

Present: Mr. Sandeep Goyat, Advocate
for the appellants.

Mr. M.B. Jain, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This is an appeal directed by unfortunate parents of deceased-Sumit, for enhancement of compensation on account of death of Sumit on 08.05.2010, in a motor vehicular accident, against the award dated 21.05.2012 passed by Sh. Vimal Kumar Bakshi, Motor Accident Claims Tribunal, Hisar.

The learned Tribunal after adjudication partly accepted the claim petition and allowed a sum of Rs.4,11,000/-. The income of the deceased has been taken as Rs.4,500/- per month and 50% amount has been deducted in respect of personal expenses. The dependency has been taken as Rs.2,200/- per month and the yearly dependency has been taken as Rs.27,000/-. The multiplier of 13 was applied by the Tribunal and the amount of compensation was calculated as Rs.3,51,000/- (27,000 x 13). Another sum of Rs.6,000/- was allowed in respect of last rites and Rs.54,000/- was allowed in respect of actual medical expenses.

The claimants have directed this appeal for enhancement of compensation.

Learned counsel for the appellant has submitted that no amount in respect of future prospects has been granted. He has further submitted that the amount granted in respect of funeral expenses and transportation of dead body are on lower side and no amount in respect of loss of love and affection has been allowed. It is further contended that deceased was the only son of the claimants. He has further submitted that the multiplier should have been applied according to the age of the deceased and not as per the age of the parents. It is further contended that interest @ 6% p.a. is on lower side.

On the other hand, learned counsel for the insurance company has submitted that no amount in respect of future prospects has to be allowed as the deceased was a bachelor and was not having any fixed income. The multiplier of 13 has rightly been applied by the Tribunal by keeping in view the age of the parents.

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

During the course of arguments, two contentious issues have been raised, first of all, whether the multiplier has to be applied at the age of the deceased, in case he/she is a bachelor and secondly, whether future prospects has to be considered. The answer to that questions has been given by Hon'ble Apex Court in authority ***"Munna Lal Jain and another vs Vipin Kumar Sharma and others"*** in **Civil Appeal No.4497 of 2015** decided on **15.05.2015,** by relying upon the authority **"*Rajesh and others Vs. Rajbir Singh and others*"** reported in **2013(3) R.C.R. (Civil) 170**, it has been held by Hon'ble Apex Court that age of the deceased is a relevant factor for determining the multiplier and it has been further held that future prospects has to be considered in respect of fixed salaried person or self-employed person.

The income of the deceased has been taken as Rs.4,500/- per month and no challenge has been made to that contention during the course of the arguments, however the deceased was aged 20 years and as such, future prospects has to be taken into account by keeping in view the authority Rajesh and others case (supra). So, by adding 50% amount in respect of future prospects, the income of the deceased comes to Rs.6,750/-. Since 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.3,375/- and the yearly dependency comes to Rs.40,500/-. The multiplier at the age of the deceased is 18 and by applying that multiplier the amount of compensation comes to Rs.7,29,000/-. A sum of Rs.25,000/- stands allowed in respect of expenses on last rites and transportation of dead body. Another sum of Rs.1,00,000/- stands allowed in respect of loss of love and affection. So, in this manner, the claimants are held entitled to claim Rs.8,54,000/-. 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.

(K.C. PURI)
11.08.2015 **JUDGE**
yakub