

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 5873 of 2012 (O/M)
Date of decision : 14.7.2015

Shinder Pal and others

..... Appellants

Versus

Sh. Vipin Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashwani Arora, Advocate, for the appellants.

Mr. I.S. Dhaliwal, Advocate, for,
Mr. N.S. Dandiwal, Advocate,
for respondents No. 1 and 2.

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

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

This is claimants' appeal for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Moga (in short 'the Tribunal'), vide order dated 8.8.2012.

In this case, Ranjodh Singh, aged about 32 years, died in a motor vehicular accident on 1.12.2010. The deceased was unmarried. The Tribunal assessed the notional income of the deceased as Rs. 4,000/- per month and applied the multiplier of '9', as per the age of the parents and calculated the dependency at Rs.

2,16,000/-. Rs. 5,000/- were awarded for funeral expenses and total compensation of Rs. 2,21,000/- was awarded.

I have heard learned counsel for the claimants/appellants, learned counsel for respondents No. 1 and 2 (driver and owner respectively), learned counsel for respondent No. 3-insurance company and have also carefully gone through the file.

The only contention of the learned counsel for the appellants is that addition of income on account of future prospects was not added. The multiplier, as per the age of the parents has been applied, whereas it should have been applied as per the age of the deceased. Nothing has been awarded for loss of love and affection to the parents and only Rs. 5,000/- have been allowed for funeral expenses, which is contrary to the law laid down by the Apex Court.

Recently, the authority of Three Judges Bench of the Hon'ble Supreme Court in Munna Lal Jain and another Versus Vipin Kumar Sharma and others, in Civil Appeal No. 4497 of 2015, decided on 15.5.2015, was examined by this Court, wherein it is held that the future income of the deceased is to be added in his personal income. Therefore, it has to follow that even in case of self-employed person, the future income on account of future prospects has to be added and the multiplier as per the age of the deceased is to be applied. As such, Rs. 2,000/- income on account of future prospects is allowed, from which $\frac{1}{2}$ is deducted as personal

expenses. The additional income comes to Rs. 1,000/-. In this way, the dependency of the claimants/appellants comes to Rs. 3,000/- per month. The amount of compensation, by applying the multiplier as per the age of the deceased i.e. '17', comes to Rs. 6,12,000/- (Rs. 3,000 x 12 x 17). Rs. 1,00,000/- on account of loss of love and affection to the parents. An additional sum of Rs. 20,000/- is also allowed toward funeral expenses. The total amount of compensation comes to Rs. 7,37,000/-, which includes Rs. 5,000/- awarded by the Tribunal for funeral expenses. The enhanced compensation shall be paid in terms of the award of the Tribunal with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization.

The appeal is accordingly allowed.

(KULDIP SINGH)
JUDGE

14.7.2015
sjks