

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

FAO No.2190 of 2013 (O&M)

Date of Decision: 22.04.2015

Dilbagh Singh and anotherAppellants
Versus
Parsan Singh and othersRespondents

FAO No.2191 of 2013 (O&M)

Dilbagh Singh and anotherAppellants
Versus
Parsan Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Present:- Mr. Ram Kumar Chauhan, Advocate,
for appellants.

None for respondent No.1.

Mr. Baljinder Singh Sra, Addl. AG, Punjab,
for respondents No.2 and 3.

SHEKHER DHAWAN, J

These two separate appeals are against the award dated 04.02.2013 passed by Motor Accident Claims Tribunal, Hoshiarpur (hereinafter referred as 'The Tribunal').

2. Taking the case from undisputed facts that on 21.02.2012 Ram Piari along with her husband Buta Singh were going on scooty bearing registration No.PB-07T-9413. Buta Singh was driving the scooty and Ram Piari was pillion rider. At about 7.30 am. when they reached near Aslamabad choe bridge, bus bearing registration No.PB-06K-9592 which

was being driven by respondent No.1 in a rash and negligent came from his opposite side and struck against Aactiva of Buta Singh. Resultantly, Ram Piari and Buta Singh fell into ditches by the side of the road and died on the spot. Matter was reported to the police. Claim petition was filed by Dilbagh Singh and Parminder Singh on account of death of Buta Singh and other claim petition was filed by them on account of death of Ram Piari.

3. Respondents contested the claim petition. 'The Tribunal' after considering the material and evidence available on file awarded the compensation of ₹2,10,000/- on account of death of Buta Singh and a sum of ₹90,000/- on account of death of Ram Piari.

4. Mr. Ram Kumar Chauhan, Advocate learned counsel for appellants-claimants took the plea that the Tribunal has not applied the correct multiplier and it should have been 7 as the age of deceased Buta Singh was 65 years and age of Ram Piari was 60 years. Nothing has been awarded on account of loss of love and affection. Meager amount has been awarded on account of funeral expenses. So the amount of compensation be enhanced suitably.

5. Mr. Baljinder Singh Sra, Additional Advocate General, Punjab for respondents No.2 and 3 took the plea that 'The Tribunal' has applied the correct multiplier. 'Just Compensation' has already been awarded. Both the appeals are without any merit.

6. Having considered the rival contentions, this Court is of the considered view that Buta Singh was of the age of 65 years and as per law laid down by Hon'ble Supreme Court in case **Sarla Verma and others Vs. Delhi Transport Corporation and another 2009(3) RCR (Civil) 77**

multiplier of 7 was to be applied. Apart from that claimants are entitled to

receive a sum of ₹25,000/- on account of funeral expenses and ₹50,000/- on account of loss of love and affection as claimants are sons of the deceased.

The enhanced compensation is assessed as under:

In FAO No.2190:

Annual loss of income	₹40,000/-
Multiplier	7
Total	₹2,80,000/-
Funeral Expenses	₹25,000/-
Love and Consortium	₹50,000/-
	₹3,55,000
Already paid	₹2,10,000/-
Enhanced compensation	₹1,45,000/-

In FAO No.2191:

Monthly income	₹3000
Less 1/3	₹1000
Annual income	₹2000 x 12 = ₹24,000/-
Multiplier	7
Total	₹1,68,000/-
Funeral Expenses	₹25,000/-
Love and Consortium	₹50,000/-
	₹2,43,000
Already paid	₹90,000/-
Enhanced Compensation	₹1,53,000/-

7. The enhanced amount of compensation shall be payable within one month from today failing which respondent shall be liable to pay the amount of compensation along with interest @ 7.5% per annum.

Remaining conditions regarding rate of interest and disbursal of amount shall remain unaltered.

8. In view of the above, both appeals are partly accepted.

(SHEKHER DHAWAN)
JUDGE

April 22, 2015
msd