IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2452-2013 (O&M)
Date of decision:10.9.2015

Aruna Kumari and another

...Appellants

Versus

Rajesh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Ms.Sunita Nambiar, Advocate
for the claimants/appellants

Mr.Kunal Mulwani, Advocate for respondent No.1

Mr.Nikunj Dhaawan, Advocate for respondent No.2

Mr.DP Gupta, Advocate for respondent No. 3

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SNEH PRASHAR, J.

The instant appeal has been filed by the claimants-appellants, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Chandigarh (for short 'the Tribunal'), vide award dated 2.2.2012, on account of death of Raghbir Singh in a motor vehicular accident on 10.6.2006.

The submissions made by learned counsel for the parties have been heard and record perused.

It is submitted on behalf of the claimants-appellants that the deceased was employed as a Lecturer in Govt. Model School, Chandigarh and was getting a salary of Rs.25,368/- per month. However, the learned Tribunal has wrongly taken his income as Rs.2,09,365/- per annum, deducting Rs.6651/- towards income tax liability. The deceased was 43 years of age at the time of his death, therefore, the multiplier should have been 15 instead of 14 applied by the learned Tribunal. Learned counsel further submitted that the amount awarded towards conventional heads is also on the lower side.

On the other hand, learned counsel appearing for the respondents-Insurance Company, the driver and owner of the offending vehicle resisted the prayer of the appellants for enhancement of compensation.

It is not disputed that the death of Raghbir Singh occurred due to the injuries suffered by him in a road side accident on 10.6.2006. He was 43 years of age at that time. As per Form-16 issued by the competent authority, the gross salary of the deceased was Rs.2,16,016/-, which comes in the income tax range, therefore, the learned Tribunal has rightly deducted a sum of Rs.6651/- and assessed his income at Rs.2,09,365/- per annum. An addition of 30% of the amount of compensation by way of future prospects was made by learned Tribunal.

In **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77,** the Hon'ble Supreme Court has observed as under:-

> 21. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying *Susamma Thomas*, *Trilok Chandra* and *Charlie*), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.

In view of the same, in the present case, the multiplier of 14 has been rightly applied as the deceased was 43 years of age at the time of his death.

The untimely death of Raghbir Singh was a great loss to his family as he was the sole bread earner. He left behind widowed wife and one minor son. As is evident from the record, no amount has been awarded towards loss of love, care and guidance to the minor children. In my considered opinion, the amount awarded towards loss of consortium and funeral expenses are also inadequate. Keeping in view the judgment rendered by the Hon'ble Supreme Court in **Vimal Kanwar and others vs. Kishore Dan and others (2013-3) PLR 776,** the amount awarded towards loss of consortium is enhanced from Rs.5,000/- to Rs.One lac and funeral expenses are enhanced from Rs.10,000/- to Rs.25,000/-. Appellant No.2 minor son of the deceased is also awarded a sum of Rs.20,000/- towards loss of love, care and guidance.

Accordingly, the enhanced amount i.e. Rs. 1,30,000/- (one lac thirty thousand) shall be paid to the claimants-appellants, in the manner indicated in the award as well as in this judgment, within a period of 45 days from the date of the receipt of the certified copy of the judgment, failing which, the claimants-appellants shall be entitled to get interest as awarded by the Tribunal, from the date of the filing of the appeal till its realisation.

In view of the above, the present appeal is partly allowed and the impugned Award is modified to as above.

10.9.2015 **(SNEH PRASHAR)**
gsv **JUDGE**