

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

FAO No.1502 of 2015 (O&M)

Date of Decision: 20.03.2015

National Insurance Company limited

.... Petitioner

vs.

Pushpa Singh Chauhan and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.Paul S. Saini, Advocate for the appellant

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.

Insurance company has filed this appeal against an award dated 20.11.2014, passed by the Motor Accident Claims Tribunal, SAS Nagar, Mohali (for short, 'the Tribunal').

On 13.10.2013, at about 7.00 p.m., Nitesh Kumar Singh was crossing the road on foot near Zirakpur fly over. He had almost crossed the road when a car bearing registration No.HR-03-G-0473 came from the side of Ambala and struck against him. It is stated that respondent No.1- Devinder Singh Pathania (respondent No.3 herein) was driving the said car rashly and negligently. As a result of the accident, Nitesh Kumar Singh received injuries and was shifted to Government Medical College and Hospital, Sector 32, Chandigarh,

where he succumbed to the injuries on 14.10.2013. It is stated that Nitesh Kumar Singh was a student of B.Tech. (Mechanical) and was studying in Chander Mohan Jha University, Shilong (Meghalaya). His notional income was prayed to be assessed at Rs.30,000/- per month.

Respondent No.1 (respondent No.3 herein), in the written statement, denied the accident, whereas Insurance Company took the usual plea about the lack of knowledge about of the accident and stated that a false FIR has been registered against respondent No.1. Deceased himself abruptly came on the middle of the road, due to which accident had occurred.

After framing the issues and recording the evidence, the Tribunal awarded the compensation Rs.16,70,000/- along with interest @ 9% per annum from the date of filing the claim petition till its realization to the claimants who happen to be father and mother of the deceased. The Tribunal assessed the income of the deceased at Rs.10,000/- per month, out of which 50% were deducted towards personal expenses and the annual income of the deceased was assessed as Rs.60,000/-. Since the deceased was 23 years of age, therefore, multiplier of 18, as per his age, was applied and compensation was calculated at Rs.10,80,000/-. 50% income was added on account of future prospects and Rs.25,000/- were allowed on account of funeral expenses and Rs.25000/- was awarded as loss to estate and total compensation comes to Rs.16,70,000/-.

I have heard learned counsel for the appellant and have carefully gone through the file.

The learned counsel for the Insurance Company has thrown challenge to the award on the following grounds:-

- i) That the multiplier as per age of the parents should have been applied;
- ii) Future prospects should not have been added, as there was only notional income and there was no definite income of the deceased.

The matter regarding application of multiplier was examined by three Judges Bench of the Hon'ble Supreme Court in the case of Reshma Kumari v. Madan Mohan, (2013) 9 SCC 65, in which the authority of Smt.Sarla Verma and others v. Delhi Transport Corportaion and another, 2009(3) RCR (Civil) 77, was considered and it was held that multiplier as given in Smt.Sarla Verma's case (supra) has to be applied. In the said case, Supreme Court applied the multiplier as per age of the deceased. Therefore, the multiplier was correctly applied.

This decision was followed by this Court in FAO No.429 of 2013, decided on 19.3.2015, titled as United India Insurance Company Limited v. Seema and others and it was held that in case of a bachelor, multiplier, as per age of the deceased has to be applied. Regarding future prospects, it is to be noted that the deceased was B.Tech. student. Even though his notional income was assessed which has not been challenged at the time of arguments, however, it is to be seen that a B.Tech. student is likely to get job and rise in life. Therefore, addition on account of future prospects was rightly added as held in authority Rajesh and others v Rajbir Singh and others, 2012 ACJ 1403 (SC). As such, there is no illegality or infirmity in the

impugned award passed by the Tribunal.

The appeal is accordingly dismissed.

20.03.2015
gk

(Kuldip Singh)
Judge