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

**FAO No.4099 of 2013 (O&M) and
Cross-Objection No.124-CII of 2014
Date of decision : 07.09.2015**

United India Insurance Company Ltd., Chandigarh ...Appellant

versus

Mukhtiar Kaur & others ...Respondents

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. D.R.Bansal, Advocate
for the appellant.

Mr. Rishav Jain, Advocate
for respondent No.1/Cross Objector.

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RITU BAHRI , J (Oral)

FAO No.4099 of 2013

The insurance company has come up in appeal against the award of the Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as "the Tribunal") dated 24.05.2013 on the ground that the multiplier of 18 has been wrongly applied by the Tribunal whereas it should be applied keeping in view the age of the claimant/mother of the deceased.

This issue has already been decided against the insurance company in the judgment of ***Munna Lal Jain & anr. Vs. Vipin Kumar Sharma & ors., 2015 (3) Recent Apex Judgments 459***. Accordingly, the appeal filed by the insurance company is dismissed.

Cross Objection No.124-CII of 2014

I have heard counsel for the parties and perused the case file.

The Tribunal has awarded a compensation of Rs.5,06,800/- to respondent No.1/claimant on account of death of her son Malkeet Singh in an accident which took place on 26.09.2012 due to rash and negligent driving by respondent No.2-Som Nath @ Somi son of Sarup Singh, by assessing the income of the deceased at Rs.4,600/- per month and by applying the multiplier of 18 as the deceased was 20 years of age at the time of accident. Rs.10,000/- towards funeral expenses were also awarded.

The cross objections filed by respondent No.1 are allowed in view the judgments of ***Asha Verman & ors. Vs. Maharaj Singh & ors., 2015 (2) RCR (Civil) 520, Sarla Verma & ors. Vs. Delhi Transport Corporation & anr., 2009 (3) RCR (Civil) Page 77, Rajesh & ors. Vs. Rajbir Singh & ors., 2013 (9) SCC 54 and Munna Lal Jain & anr. Vs. Vipin Kumar Sharma & ors., 2015 (3) Recent Apex Judgments 459*** and the compensation is re-assessed as under:

Sr. No.	**Heads**	**Calculation**
(i)	Income	Rs.4,600/- per month
(ii)	Annual Income	Rs.4,600/- x 12 = Rs.55,200/- per annum
(iii)	50% of (ii) added for future prospects	(Rs.55,200/-) + (Rs.27,600/-) = Rs.82,800/-
(iv)	1/2nd of (iii) deducted towards personal expenses of the deceased	(Rs.82,800/-) – (Rs.41,400/-) = Rs.41,400/-
(v)	Compensation after multiplier of 18 is applied	(Rs.41,400/- x 18) = Rs.7,45,200/-
(vi)	Loss of estate	Rs.1,00,000/-
(vii)	Loss of love and affection to the mother	Rs.50,000/-
(viii)	Funeral expenses	Rs.25,000/-
(ix)	**Total Compensation awarded**	**Rs.9,20,200/-**

(x)	**Enhanced amount of compensation**	**(Rs.9,20,200/-) - (Rs.5,06,800/-) = Rs.4,13,400/-**

The enhanced amount of compensation of **Rs.4,13,400/-** shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realisation, in view of the judgment of Hon'ble Supreme Court in the case of ***Kumari Kiran through her father Harinarayan Vs. Sajjan Singh & ors., 2015 (1) SCC 539***. Remaining conditions of disbursal of amount shall remain unaltered.

07.09.2015 **(RITU BAHRI)**
Vinay **JUDGE**