

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

**FAO No. 5380 of 2013 (O&M)
Decided on : 28.05.2015**

Raj Bala and Another

...Appellants

versus

Mehtab Singh and Others

...Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

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

Present : Mr. Sandeep Verma, Advocate for
Mr. Sukhdeep Parmar, Advocate
for the appellants.

Mr. Sumeet Sangwan, Advocate
for respondent No. 1.

Mr. R.L. Yadav, DAG, Haryana
for respondent Nos. 2 and 3.

Ms. Vandana Malhotra, Advocate
for respondent No. 4.

K. C. PURI, J. (ORAL)

This is an appeal directed by the parents of the deceased-Vishal, who died in a motor vehicular accident, against the award dated 12.07.2013, passed by Shri Naresh Kumar Singhal, Motor Accident Claims Tribunal, Rohtak, vide which the claim petition was partly accepted and a sum of ₹ 3,93,000/- was granted.

The parents of the deceased-Vishal, who was unmarried, have directed this appeal for enhancement of compensation.

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The learned Tribunal has assessed the income of deceased as ₹ 4,500/- per month and has deducted one-half in respect of personal expenses in view of authority **Sarla Verma and Others Versus Delhi Transport Corporation and Another**” 2009 (3) RCR (Civil) 77. The dependency was taken as ₹ 2,250/- per month and multiplier of 14 was applied and the amount of compensation was calculated as ₹ 3,78,000/- (2,250 x 12 x 14). Another sum of ₹ 5,000/- was granted towards funeral expenses.

Learned counsel for the appellants has submitted that amount in respect of future prospects should have been allowed by the Tribunal. As per authority **Sarla Verma and Others (supra)**, the future prospects shall commensurate according to the age of claimants. The age of claimant-appellant No. 1-Raj Bala has been mentioned as 41 years. So, in age group of 40 to 50 years, future prospects is to be added to the extent of 30%. The income of the deceased can be taken ₹ 5,850/- by adding 30% in respect of future prospects. The loss of dependency has to be calculated by deducting one-half share in respect of personal expenses. So, the amount of dependency comes to ₹ 2,925/- per month after deducting one-half share in respect of personal expenses. The yearly dependency comes to ₹ 35,100/-. The multiplier of 14 has rightly been applied by the Tribunal according to the age of claimant. So, by applying that multiplier, the amount of compensation comes to ₹ 4,91,400/-. The claimants are also held entitled to claim ₹ 25,000/- in respect of expenses on the last rites and transportation. The claimants are also held entitled to claim ₹ 1 lac in respect of loss of love and affection. So, in this manner, the

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claimants are held entitled to claim ₹ 6,16,400/-. The enhanced amount shall carry interest at the rate of 7.5% per annum from the date of application till payments.

The liability to pay the amount alongwith interest shall be the same as ordered by the Tribunal.

The appeal stands disposed of.

May 28, 2015
'dk kamra'

(K.C. PURI)
JUDGE