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

FAO No.237 of 1993 (O&M)
Date of Decision: May 18, 2016

Bali Ram and others ...Appellants

Versus

Harbhajan Singh and others ...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Ms.Kiran Bala Jain, Advocate assisted by
Ms.Simranjeet Kaur, Advocate for the appellants.

Mr.M.S.Bajwa, Advocate for
respondent No.1 – driver.

Mr.Neeraj Khanna, Advocate for
respondent – Insurance Company.

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HARINDER SINGH SIDHU, J.

On 30.3.1990 Ashok Kumar (since deceased) while driving his scooter in the area of Baldev Nagar Camp, Ambala City was hit by truck bearing No.PIL-5717, wherein, he suffered multiple injuries. He succumbed to the injuries on 5.4.1990 while under treatment at PGIMS, Chandigarh.

Parents, two sisters and one brother of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, wherein, the Motor Accident Claims Tribunal, Ambala (for short `the Tribunal) awarded compensation of Rs.1,80,000/-. The Tribunal determined the age of the deceased as 24-25 years, assessed annual income at Rs.18,000/- based upon his previous income records, held the monthly dependency to be Rs.1,000/- and applied the multiplier of 15 (1000x12x15=1,80,000).

Feeling dissatisfied with the quantum of compensation, the claimants have filed the instant appeal.

In **Rajesh and others vs. Rajbir Singh and others**, **2013 ACJ 1403**, the Hon'ble Supreme Court has held that in case of self-employed or persons with fixed wages, below 40 years, there must be an addition of 50% to the actual income of the deceased on account of future prospects.

So far as multiplier is concerned, in view of **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, 2009(6) SCC 121**, multiplier of 18 should be applied and not 15, as applied by the Tribunal. That apart, the claimant-parents, who lost their young son, are also entitled to get compensation under the heads of `loss of estate' and `loss of love and affection'. The deceased being a bachelor, 50% of his income is required to be deducted towards his personal and living expenses.

In view of above, this Court holds that the claimants are entitled to compensation as under:-

Sr.No.	Heads	Calculation (In Rs.)
(i)	Annual Income (after 50% increase)	18000+[18000x50/100] = 27,000 per annum
(ii)	50% of (i) deducted as personal and living expenses of deceased	27000-[27000x50/100] 13500/-
(iii)	Compensation after applying multiplier of 18	13500x18= 2,43,000/-
(iv)	Loss of Love and Affection	50,000/-
(v)	Funeral Expenses	20,000/-
	Total Compensation	3,13,000/-

Accordingly, the appeal is allowed and the Award of the Tribunal is modified to the extent that the appellants are held entitled to total compensation of Rs.3,13,000/-, that is, Rs.1,33,000/- (313000-180000) over and above the amount awarded by the Tribunal. The interest on the enhanced amount shall be paid at the rate of 7.5% per annum from the date of filing of claim application till realisation.

In view of the judgment dated 28.2.2014 passed in FAO No.612 of 1993 titled `Harbhajan Singh and another vs. Bali Ram and others', the entire compensation amount is to be paid by the respondent – Insurance Company.

Ms.Kiran Bala Jain, Ld. Counsel, who represents all the appellants states that respondent No.2 (mother of the deceased) has expired. She further states that appellants No.3,4 and 5, who are married sisters and brother of the deceased have prayed that the entire enhanced amount be paid to their father Bali Ram – appellant No.1. The prayer is allowed and it is ordered that the entire enhanced amount along with interest be paid to Bali Ram – appellant No.1.

May 18, 2016 **(HARINDER SINGH SIDHU)**
JUDGE

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