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

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FAO 2211 of 2000
Date of decision: 02.08.2016

*Chanchal Jain and another* ........ *Appellants*

*Versus*

*Narinder Pal Singh and another* .......*Respondents*

**Coram:** **Hon'ble Mrs. Justice Rekha Mittal**

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Present: Ms Swati Verma, Advocate
for the appellants

Mr. J S Charath, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No. 2

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**Rekha Mittal, J.**

The claimants are in appeal for enhancement of compensation in regard to death of Avneesh Kumar Jain in a motor vehicular accident assessed by the Motor Accident Claims Tribunal, Ludhiana vide award dated 01.02.2000.

As the deceased was an income tax assessee, learned Tribunal, after considering income tax statement of the deceased, assessed income at Rs.83,245.00 per annum and deducted Rs.11,974.00 therefrom. Further, in view of age of the deceased i.e. 19 years and number of dependents, assessed dependency at Rs.40,000.00 per annum, adopted multiplier of 8 and computed loss of dependency at Rs.3,20,000.00 (40,000.00 x 8). Further, under conventional head, a sum of Rs.2,000.00 has been awarded for funeral expenses and last rites.

Counsel for the appellants contends that compensation awarded by the Tribunal requires enhancement both under pecuniary and conventional heads. It is argued that multiplier adopted by the Tribunal is liable to be applied in the light of age of the deceased in view of ratio laid down in **Smt. Sarla Verma and others v. Delhi Transport Corporation and another (2009) 6 SCC 121** affirmed in **Reshma Kumari and others v. Madan Mohan and another, 2013 (2) R.C.R. (Civil) 660**. It is further argued that 50% increase in income for future prospects should be allowed in view of judgment of Hon'ble the Supreme Court ***Rajesh and others v. Rajbir Singh and others (2013) 9 SCC 54.***

Counsel for the contesting respondent has supported the award passed by the Tribunal.

I have heard counsel for the parties and perused the records.

The Tribunal has rightly assessed annual loss of dependency and it does not require interference. However, the Tribunal has not allowed benefit of increase in income for future prospects in view of enunciation of law laid down in Rajesh's case (supra). As the deceased was 19 years of age, the claimants shall be entitled to 50% increase in income for future prospects. In view of *Sarla Verma's* case (supra), multiplier of 18 is admissible as the deceased was less than 20 years. In this view of the matter, loss of dependency is calculated at = Rs.10,80,000.00 (Rs.40,000.00x18) + (Rs.3,60,000.00) (50% future prospects)). The appellant shall be entitled to an amount of Rs.50,000.00 towards loss of love and affection of her son by Chanchal Jain. They are also entitled to an amount of Rs.10,000.00 for expenses on funeral and last rites. The total compensation payable to the claimants comes to **Rs.11,40,000.00**

(Rs.10,80,000+Rs.50,000.00+Rs.10,000.00) and the enhanced amount comes to **Rs.8,18,000.00** (Rs.11,40,000.00 – Rs.3,22,000.00), payable with interest at the rate of 7.5% per annum from the date of petition till payment thereof. The enhanced compensation shall be payable to mother of the deceased exclusively. It shall be deposited in a FDR for a period of two years.

Disposed of in the aforesaid terms.

(Rekha Mittal)
Judge

02.08.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No