

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

**FAO-3882-2001 (O&M)
Date of decision: 30.03.2016**

Panmeshwari Devi

...Appellant

Versus

Sant Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rahul Rathore, Advocate,
for the appellant.

Mr. Ashwani Talwar, Advocate,
for respondent No.3-Insurance Company.

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JITENDRA CHAUHAN, J.

The present appeal has been filed seeking enhancement of the amount of compensation awarded by learned Motor Accidents Claims Tribunal, Rohtak, ('the Tribunal', for brevity) vide impugned award dated 14.12.2000.

The learned counsel for the appellant submits that deceased Kuldeep, aged about 21 years, a bachelor, was son of the claimant-appellant. He had been earning an amount of Rs.3,500/- per month prior to the accident. However, the learned Tribunal has

wrongly assessed the income of the deceased at Rs.1,500/- per month. It is further stated that the multiplier of 16 has also been wrongly applied keeping in view the age of the deceased. Nothing has been awarded on account of future prospects as well as under the conventional heads.

On the other hand, the learned counsel for the respondent-Insurance Company vehemently states that the amount of compensation awarded by the learned Tribunal is just and appropriate and does not call for any interference.

I have heard the learned counsel for the parties and perused the record.

As far as the income of the deceased is concerned, there is nothing on record to prove the assertion of the claimant that the deceased had been earning Rs.3,500/- per month. The accident took place on 27.02.1998. In these circumstances, the learned Tribunal has rightly assessed the income of the deceased at Rs.1,500/- per month.

As per the claim petition, the deceased was aged 21 years at the time of his death in the accident in question, whereas, as per the post mortem report (Ex.PB), his age has been mentioned as 24 years. Nevertheless, even if the age of the deceased is determined as 24 years, the correct multiplier to be applied in the

present case is 18 instead of 16. It is ordered accordingly. Furthermore, an increase of 50% is ordered in the actual income of the deceased towards future prospects, keeping in view the age of the deceased as per the law laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***. The deceased being a bachelor, the deduction on account of personal expenses to be applied in this case will be at 50%. In this way, compensation on account of loss of dependency would come to Rs.1,500/- + 50% X 12 X ½ X 18 = Rs.2,43,000/-, as against the amount of Rs.74,400/-, assessed by the learned Tribunal.

Another amount of Rs.50,000/- is awarded to the claimant-mother of the deceased, towards 'loss of love and affection', in view of the law laid down by Hon'ble the Apex Court in ***Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776***.

In view of the above, the claimant-appellant, is held entitled to the enhanced compensation of Rs.2,18,600/- [Rs.1,68,600/- (enhancement towards 'loss of dependency') + Rs.50,000/- (towards 'loss of love and affection')], over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, the claimant shall

also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

30.03.2016

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**(JITENDRA CHAUHAN)
JUDGE**