

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

FAO-3576-2007 (O&M)
Date of Decision: 04.03.2016

Sham Kaur and another

...Appellants

Versus

Dhuri Bus Service registered
through its Managing Director and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhijeet Partap Singh, Advocate for
Mr. Anil Chaudhary, Advocate
for the appellants.

Respondent No.1 ex parte.

None for respondent No.3.

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JITENDRA CHAUHAN, J.

The present appeal has been preferred by the claimants-appellants, seeking enhancement of the amount of compensation awarded vide impugned award dated 04.05.2007, passed by the learned Motor Accident Claims Tribunal, Sangrur (for short, 'the Tribunal').

2. The learned counsel for the appellants contends that the deceased was aged 38 years at the time of his death in the accident, therefore, the multiplier of 11 has been wrongly applied. It is

further contended that nothing has been awarded towards the heads of future prospects, love and affection and funeral expenses.

3. I have heard the learned counsel for the appellants and perused the record.

4. It is evident from the perusal of the case file that deceased was 38 years of age at the time of the accident. The learned Tribunal has applied multiplier of 11 keeping in view the age of the mother. In ***Amrit Bhanu Shali Vs. National Insurance Co. Ltd. (SC), 2012(4) R.C.R. (Civil) 343***, Hon'ble the Apex Court was pleased to hold that in a case relating to the death of a bachelor, the basis for determination of multiplier should be the age of the deceased and not that of the claimant(s). In the present case, the deceased was a bachelor. Therefore, the multiplier of 11 applied by the learned Tribunal is increased to 15, keeping in view the age of the deceased. Furthermore, an increase of 50% in the income of the deceased is ordered towards future prospects, keeping in view the law laid down by Hon'ble the Apex Court in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***. Since, the deceased was bachelor at the time of accident, he might be spending 50% of his income on himself and rest of the amount on his parents. So, deduction 50% in respect of personal expenses is ordered to be made.

5.

In this way, the compensation on account of loss of

dependency would come to Rs.2200/- + 50% X 12 X ½ X 15 = Rs.2,97,000/-, as against the amount of Rs.1,98,000/-, assessed by the learned Tribunal.

6. Furthermore, an amount of Rs.1,00,000/-, 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*, whereas, another amount of Rs.5000/- is awarded for 'funeral expenses'.

7. In view of the above, the claimants-appellants are held entitled to the enhanced compensation of Rs.2,04,000/- [Rs.99,000/- (enhancement towards 'loss of dependency') + Rs.1 lakh 'towards loss of love and affection' + Rs.5,000/- (towards funeral expenses)], as indicated above, 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, they 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.

04.03.2016

(JITENDRA CHAUHAN)
JUDGE