

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

**FAO-2396-2010 (O&M)
Date of decision: 27.02.2016**

Sahab Singh and another

...Appellants

Versus

Yashbir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jitender S. Chahal, Advocate,
for the appellants.

Mr. Hardeep Singh Dhillon, Advocate,
for Baldev Singh Dhillon, Advocate,
for respondent Nos.1 and 2.

Mr. Vinod Gupta, Advocate,
for respondent No.3-Insurance Company.

-.-

JITENDRA CHAUHAN, J.

The present appeal has been filed seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Kurukshetra, ('the Tribunal', for brevity) vide impugned award dated 04.09.2009.

It is contended that the multiplier applied by taking into consideration the age of claimant, the mother of the deceased, is

against the settled law laid down by Hon'ble the Supreme Court in ***Amrit Bhanu Shali Vs. National Insurance Co. Ltd. (SC), 2012(4) R.C.R. (Civil) 343***. Nothing has been awarded towards loss of love and affection. The amount awarded under the conventional heads is also on the lower side.

On the other hand, the learned counsel for the respondent-Insurance Company has vehemently argued 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 per record, the deceased, Birbal, was aged 30 years of age at the time of his death in the accident. The learned Tribunal has applied multiplier of 5 keeping in view the age of the mother of the deceased. In ***Amrit Bhanu Shali's*** case (supra), 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). Similar view has been taken by the Hon'ble Apex Court in ***Munna Lal Jain and another Vs. Vipin Kumar Sharma and others, 2015(3) SCC (Civil) 315***. In the present case, the deceased was a bachelor. Therefore, the multiplier of 5 applied by the learned

Tribunal deserves to be increased to 17. In this way, the compensation on account of loss of dependency would come to Rs.3000/- X 12 X 2/3 X 17 = Rs.4,08,000/-, as against the amount of Rs.1,20,000/-, assessed by the learned Tribunal.

Furthermore, the amount of Rs.10,000/- awarded under the head of funeral expenses is enhanced to Rs.20,000/-. Another 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***. It is further noticed that no amount has been awarded on account of transportation charges. Thus, another amount of Rs.10,000/- is granted under this head.

In view of the above, the claimant-appellants, are held entitled to the enhanced compensation of Rs.4,08,000/- [Rs.2,88,000/- (enhancement towards 'loss of dependency') + Rs.10,000/- (enhancement towards 'funeral expenses') + Rs.1,00,000/- (towards 'loss of love and affection') + Rs.10,000/- (towards 'transportation charges')], 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.

27.02.2016

atulsethi

**(JITENDRA CHAUHAN)
JUDGE**