IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6254-2011 (O&M)
Date of decision: 18.3.2016

Suresh Bhandri and another

...Appellants

Versus

Harjit Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.SS Chatrath, Advocate for the appellants

Mr.RC Kapoor, Advocate for respondent No.6.

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SNEH PRASHAR, J.

The present appeal has been filed by the claimants-appellants seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Chandigarh (for short 'the Tribunal') vide award dated 15.3.2010 on account of death of Renu Bhandari, mother of the appellants, in a motor vehicular accident.

The submissions made by learned counsel for the parties have been heard.

It is submitted on behalf of the appellants that despite the fact that the deceased was working as Office Clerk in M/s Roop Decors and getting a salary of Rs.4950/- per month, learned Tribunal has assessed her monthly income as Rs.3000/- per month, which is on the lower side. The multiplier of 10 applied by learned Tribunal is in contravention to the law laid down by Hon'ble Apex Court in **Sarla**

Verma and others vs. DTC and another 2009 ACJ 1298. Also the amount awarded under conventional heads is inadequate.

The deceased was 49 years old at the time of her death. To prove the income of the deceased that she was working as Office Clerk in M/s Roop Decors and was drawing Rs.4950/- per month, the claimants-appellants neither examined any witness nor produced any salary certificate. Therefore, in absence of the substantive evidence regarding income of the deceased, the Tribunal has taken the income of the deceased as Rs.3000/- per month, which is just and appropriate.

Since the deceased was 49 years old, following the law laid down in **Sarla Verma and others's case (supra),** the multiplier is increased to 13. The deduction of 1/3rd towards personal and living expenses of the deceased was rightly taken.

The claimants-appellants are the son and daughter of the deceased. Following the ratio of **Rajesh and others' case (supra)** on account of loss of love, care and guidance, a sum of Rs.one lac is allowed to both the appellants in equal share. Further a sum of Rs.25,000/- is allowed being expenditure on funeral expenses including the amount already awarded

Accordingly, the total compensation comes to Rs. 4,37,000/- (Rs.3000 (monthly income) -1/3rd (deduction towards personal and living expenses of the deceased) x 12 x 13 (multiplier) + 1,25,000 (under the conventional heads including the amount already awarded), The enhanced compensation of Rs.1,94,500/- shall be paid to the appellants within two months from the date of receipt of the certified copy of this judgment, failing which, it shall carry interest @ 7.5% per annum from the date of filing of appeal, till its reaslization.

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

18.3.2016 **(SNEH PRASHAR)**
gsv **JUDGE**