

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

Date of decision:16.9.2016

1.

FAO No.4998 of 2012(O&M)

Seeta Devi and others

....Appellants

VERSUS

Babu Singh and others

.....Respondents

2.

FAO No.4999 of 2012(O&M)

Ram Kali and another

....Appellants

VERSUS

Babu Singh and others

.....Respondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Vivek Suri, Advocate for the appellants.

Mr. V.K. Garg, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.4998 and 4999 of 2012 as these have emerged out of separate awards dated 21.07.2012 passed by the Motor Accident Claims Tribunal, Sangrur (for brevity 'Tribunal') arising out of the same accident, allowing compensation in respect of death of Munish and Roshan Lal who died in a motor vehicular accident on the fateful day of 16.01.2011.

The parties shall be referred to as the 'claimants' and the 'insurance company' for the sake of convenience.

FAO No.4998 of 2012

The Tribunal has assessed income of the deceased at Rs.4000/- per month, deducted 50% for personal expenses and applied a

multiplier of 14 to compute loss of dependency. In addition, an amount of Rs.5,000/- has been awarded for funeral expenses.

Counsel for the claimants/appellants has submitted that the multiplier of 18 is liable to be adopted in the light of judgment Smt. Sarla Verma and others versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77. The claimants are entitled to benefit of future prospects to the extent of 50% and compensation awarded under conventional heads needs re-look, addition and enhancement.

Counsel for the insurance company has supported the award passed by the Tribunal.

I have heard counsel for the parties, perused the paper-book particularly the award.

The deceased was less than 25 years of age and was unmarried. Hon'ble the Supreme Court in Smt. Sarla Verma's case (supra) has laid down the admissible multipliers keeping in view the age brackets in which the deceased falls. As the deceased was less than 25 years of age, a multiplier of 18 is admissible. The claimants shall be entitled to benefit of future prospects to the extent of 50% in the light of judgment Rajesh and others Vs. Rajbir Singh and others, 2013 (3) RCR (Civil) 170. In this manner, loss of dependency, comes to Rs.6,48,000/- [Rs.8,64,000/- (Rs.4000/- x 12 x 18) + Rs.4,32,000/- (50% future prospects) - Rs.6,48,000/- (50% deduction towards personal expenses)]

The claimants are awarded an amount of Rs.25,000/- each for funeral expenses and loss of estate and the mother is awarded an amount of Rs.50,000/- towards loss of love and affection.

In view of above, the total amount of compensation payable to the claimants comes to Rs.7,48,000/- and the enhanced compensation

comes to Rs.4,07,000/- (Rs.7,48,000/- - Rs.3,41,000/-), payable with interest at the rate of 7.5% per annum from the date of filing of petition till realization exclusively to mother of the deceased.

Disposed of accordingly.

FAO No.4999 of 2012

In view of submissions made in the aforesaid appeal and decision rendered therein, the claimants are allowed benefit of increase in income for future prospects to the extent of 50%. As the deceased was less than 25 years of age, a multiplier of 18 is admissible instead of 13. In this manner, loss of dependency comes to Rs.6,48,000/- [Rs.8,64,000/- (Rs.4000/- x 12 x 18) + Rs.4,32,000/- (50% future prospects) - Rs.6,48,000/- (50% deduction towards personal expenses)]

The claimants are awarded an amount of Rs.25,000/- each for funeral expenses and loss of estate and the mother is awarded an amount of Rs.50,000/- towards loss of love and affection.

In view of the above, the total amount of compensation payable to the claimants comes to Rs.7,48,000/- and the enhanced compensation comes to Rs.4,31,000/- (Rs.7,48,000/- - Rs.3,17,000/-), payable with interest at the rate of 7.5% per annum from the date of filing of petition till realization exclusively to mother of the deceased.

Disposed of accordingly.

SEPTEMBER 16, 2016

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no