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

**FAO No.6125 of 2012 (O&M)
Date of Decision: January 12, 2016.**

Ranvir Singh and another

..........APPELLANT(s).

VERSUS

Kapil and others

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.K. Malhotra, Advocate
for the appellant (s).

None for respondents No.1 and 2.

Mr. Subhash Goyal, Advocate
for respondent No.3-insurance company.

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SURINDER GUPTA, J.

The instant appeal has been filed by the appellants-claimants Ranvir Singh and another seeking enhancement of compensation for the death of their son Krishan Kumar (later referred to as the deceased) in a motor accident, which took place on 04.03.2007 with Scorpio vehicle (without registration number) having Engine No.74A 28309 Chassis No.72A 65312 (later referred to as the offending vehicle).

2. Motor Accident Claims Tribunal, Rohtak (later referred to as the Tribunal) vide award dated 01.09.2008 allowed compensation of ₹6,22,760/- and recorded finding that the accident had taken place due to rash and

negligent driving of offending vehicle by respondent No.1.

3. Detailed facts of the case are not being discussed as the appellants-claimants have sought enhancement of compensation and the respondents have not challenged the award passed by the Tribunal.

4. Learned counsel for the appellants has not challenged the award so far as it relates to ascertaining the income of the deceased and deduction of 50% towards personal expenses of the deceased. Learned counsel for the appellants has argued that the Tribunal has not added 50% in the income of the deceased towards future prospects despite the fact that deceased was a government employee. He has relied on observations to this effect in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009) 6 SCC 121***. Relying on observations in the case of ***Reshma Kumari and Ors. v. Madan Mohan and Anr. (2013) 9 SCC 65*** and ***Munna Lal Jain and others Vs. Vipin Kumar Sharma and others 2015(3)RCR (Civil) 447,*** he has argued that the Tribunal has wrongly applied a multiplier of '12' keeping in view the age of the claimants instead of '18' as per age of the deceased. The Tribunal has not allowed any compensation towards loss of estate for the parents of deceased and has allowed only ₹5,000/- towards funeral expenses, which require upward revision.

5. Learned counsel for respondent No.3-insurance company has argued that the Tribunal has to award just and fair compensation for the death in a motor accident. In this case, the Tribunal has rightly applied multiplier of 12, keeping in view the age of claimants and has rightly allowed a sum of ₹5,000/- towards funeral and transportation expenses, while calculating the amount of compensation, which call for no interference

in this appeal.

6. The deceased was 22 years of age at the time of his death and was employed as Constable in Delhi Police. As per his pay certificate issued by Asstt. Commissioner of Police, proved on record by PW Head Constable Raj Kumar as Ex.P1, he was getting a salary of ₹8579/- per month.

7. Hon'ble Supreme Court in the case of ***Sarla Verma & others Vs. Delhi Transport Corporation and Anr. (supra),*** while settling the yardstick for addition of income towards future prospects observed as follows:-

> "In view of imponderables and uncertainties, we are in favour of adopting as a rule of thumb, an addition of 50% of actual salary to the actual salary income of the deceased towards future prospects, where the deceased had a permanent job and was below 40 years. [Where the annual income is in the taxable range, the words 'actual salary' should be read as 'actual salary less tax']. The addition should be only 30% if the age of the deceased was 40 to 50 years. There should be no addition, where the age of deceased is more than 50 years. Though the evidence may indicate a different percentage of increase, it is necessary to standardize the addition to avoid different yardsticks being applied or different methods of calculations being adopted."

8. The above method has been affirmed by a three Judges' Bench of Hon'ble Supreme Court in case of ***Reshma Kumari and Ors. v. Madan Mohan and Anr. (supra).***

9. In view of the above discussion, keeping in view the age of the deceased, a sum equal to 50% is to be added in the income of the deceased towards future prospects.

10. It is no more res integra that while calculating the amount of dependency, the multiplier is to be applied taking into account the age of the claimants and not the age of the deceased as has been held by a three Judges' Bench of Hon'ble Supreme Court in ***Reshma Kumari and Ors. v. Madan Mohan and Anr. (supra)*** and affirmed by another three Judges' Bench of Hon'ble Apex Court in ***Munna Lal Jain and others Vs. Vipin Kumar Sharma and others (supra).***

11. As per the observations in case of ***Smt. Neeta and others Vs. The Divisional Manager, MSRTC, Kolhapur 2015(1) RCR (Civil) 625 (SC) and Vimal Kanwar and others Vs. Kishore Dan and others 2013(7) SCC 476,*** the claimants are also entitled to ₹1 lac under the conventional head i.e. for loss of love and affection and loss of estate and ₹25,000/- towards funeral expenses.

12. In view of my discussion above, the amount of compensation to which the claimants are entitled to, is tabulated as follows:-

Sl.No.	*Heads*	*Calculation*
(i)	Salary of the deceased	₹8579 per month
(ii)	50% of (i) above to be added as future prospects	(₹8579+ ₹4290)= (₹12869 per month)
(iii)	1/2 of (ii) deducted as personal expenses of the deceased	(₹12869-₹6435)= ₹6434 per month
(iv)	Compensation after multiplier of 18	(₹6434X12X18)= ₹13,89,744
(v)	For loss of love and affection and loss of estate	₹100000
(vi)	Funeral expenses	₹25000
Total		₹15,14,744

13. The appeal is accepted. The award of the Tribunal is modified and compensation allowed to claimants is enhanced from ₹6,22,760/- to ₹15,14,744/- for death of Krishan Kumar. The enhanced amount of

compensation will carry interest 7.5% per annum from the date of filing of the petition till actual realization. The amount of enhanced compensation shall be shared by the claimants as per award of the Tribunal. Respondent No.3-insurance company will deposit the share of claimants in their bank accounts or pay the same through demand drafts. The claimants shall also be entitled to costs of this appeal. The counsel fee is assessed at ₹20,000/-.

(SURINDER GUPTA)
JUDGE

January 12, 2016.
Sachin M.