

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

FAO No.1983 of 2014

Date of decision : 31.08.2016

Pal Kaur and others

.....Appellants

Versus

Pritam Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Vikram Bali, Advocate for appellants.

Mr. Deepak Sonak, Advocate for respondents No.1 & 2.

Mr. Punit Jain, Advocate for
respondent No.3-Insurance Company

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 05.02.2014 passed by the learned Motor Accidents Claims Tribunal, Panchkula (hereinafter called the “Tribunal”), vide which the appellants-claimants have been awarded compensation to the tune of Rs.8,27,000/- on account of death of Jarnail Singh in the motor vehicular accident which took place on 13.05.2012.

2. This appeal has been preferred by the appellants-claimants for enhancement of the amount of compensation.

3. I have heard learned counsel for the parties and have gone through the paper-book.

4. Learned counsel for the appellants contended that deceased

was 44 years of age but the learned Tribunal has wrongly applied the multiplier of 12. The multiplier of 14 should have been applied. He further contended that no amount of compensation has been awarded to the children of deceased with respect to loss of love, care and guidance. Thus, he contended that the learned Tribunal has not awarded the just compensation.

5. On the other hand, Mr. Punit Jain, Advocate, learned counsel for respondent No.3 (Insurance Company) contended that the compensation awarded by the learned Tribunal is just and appropriate. The learned Tribunal has taken into consideration all the heads properly.

6. I have duly considered the aforesaid contentions.

7. The learned Tribunal has determined the age of deceased Jarnail Singh to be 44 years but the multiplier of 12 has been applied. As per the law laid down by the Hon'ble Apex Court in case ***Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77***, in view of the age of the deceased, the multiplier of 14 should have been applied. So, the loss of dependency comes to Rs.8,19,000/- (58,500 X 14) instead of Rs.7,02,000/- as determined by the learned Tribunal.

8. The learned Tribunal has also not awarded any amount towards the loss of love, care and guidance to the minor daughter of the deceased. She will be entitled to Rs.1,00,000/- towards loss of love, care and guidance. With this increase, the total amount of compensation comes out as under:-

Sr. No.	Heads of compensation	Amount of compensation in rupees
1.	Loss of dependency	8,19,000
2.	Loss of consortium	1,00,000
3.	Loss of love, care and guidance to the minor daughter	1,00,000
4.	Funeral expenses	25,000
Total		10,44,000

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellants-claimants is enhanced to Rs.10,44,000/- from Rs.8,27,000/- as awarded by the Tribunal. The appellants-claimants shall also be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to pay the enhanced amount of compensation shall remain as determined by the learned Tribunal in the main award.

31.08.2016
sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No