

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

FAO No.3622 of 2013

Date of decision : 05.08.2016

Meela

.....Appellant

Versus

Partap Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sandeep Kotla, Advocate for appellant.

Mr. Vishal Yadav, Advocate for
Mr. Ajay Ghangas, Advocate for respondent No.1.

Mr. D.P. Gupta, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-claimant against the award dated 25.02.2013, passed by the learned Motor Accidents Claims Tribunal, Panipat (hereinafter called the "Tribunal") vide which the appellant-claimant has been awarded a sum of ₹3,86,000/- as compensation on account of death of her son Arun as a result of injuries suffered by him in the motor vehicular accident, which took place on 14.09.2011.

2. The present appeal has been preferred by the appellant-claimant for enhancement of amount of compensation.

3. Learned counsel appearing for the appellant-claimant contended that the deceased was 20 years of age and used to do photo frame work and earned handsomely. The learned Tribunal has assessed the monthly income of the deceased to be ₹ 4500/- per month but the learned Tribunal has

not awarded any future prospects to the income of the deceased. Very less amount towards loss of love and affection of her son has been awarded to the appellant. Less amount has been awarded towards funeral expenses.

4. On the other hand, learned counsel appearing for the respondent-Insurance Company contended that learned Tribunal has awarded the compensation while treating the deceased to be a labourer and, therefore, no future prospects could have been added to his income. The compensation has been adequately awarded under the other conventional heads. Thus, he contended that there is no scope of any further enhancement in the amount of compensation.

5. I have duly considered the aforesaid contentions and found considerable substance in the contentions raised by learned counsel for the appellants-claimants.

6. The learned Tribunal, while holding that the deceased could certainly do some better work than a casual labourer and could earn some more amount, has determined the income of the deceased to be ₹ 4500/- per month. The learned Tribunal should also have awarded the future prospects towards the income of the deceased. Deceased Arun was 20 years of age. So, 50% of his income shall be added towards future prospects. The total income comes to ₹ 6750/- per month *i.e.* ₹ 81,000/- per annum. The learned Tribunal has rightly deducted 50% of the income of the deceased towards his personal and living expenses as the deceased was a bachelor and claimant is his mother. So, 50% of the income of the deceased is to be deducted towards his living and personal expenses. The remainder comes to ₹ 40,500/-.

7. The learned Tribunal has applied the multiplier as per the age

of the claimant. The Hon'ble Apex Court has applied the multiplier as per the age of the deceased in case *Munna Lal Jain and another Vs. Vipin Kumar Sharma and others 2015(3) PLR 304*. Thus, keeping in view the age of the deceased, the multiplier of 18 shall be applicable. Thus, the loss of dependency comes to ₹ 7,29,000/-.

8. Learned Tribunal has awarded a sum of ₹ 10,000/- to the claimant towards loss of love and affection of her son, which is highly inadequate. The claimant shall be entitled to ₹1,00,000/- towards loss of love and affection of her son. Learned Tribunal has rightly awarded a sum of ₹ 25,000/- (15,000 + 10,000) towards funeral and transportation charges. Total amount of compensation payable to the claimants comes to ₹ 8,54,000/- (7,29,000 + 1,00,000 + 25,000).

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellant-claimant is enhanced to ₹ 8,54,000/- from ₹ 3,86,000/- as awarded by the Tribunal. The appellant-claimant 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 shall remain as determined by the learned Tribunal in the main award.

05.08.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No