

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

FAO No.1413 of 2015

Date of decision : 08.12.2016

Bhagat Singh and another

.....Appellants

Versus

Sandeep and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sunny Bhardwaj, Advocate for appellants.

Mr. Aseem Aggarwal, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 20.08.2014 passed by the learned Motor Accidents Claims Tribunal, Bhiwani (hereinafter called the “Tribunal”), whereby the appellants-claimants in claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short the “Act”), have been awarded compensation to the tune of ₹6,04,600/- on account of death of their son Pardeep in the motor vehicular accident which took place on 21.09.2013.

2. The present 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 gone through the paper-book meticulously.

4. Initiating the arguments, learned counsel for the appellants-claimants contended that the learned Tribunal has wrongly applied the

multiplier of 14 as per the age of the parents. The multiplier should have been applied as per the age of the deceased. The deceased was only 19 years of age, so he multiplier of 18 shall be applicable. He further contended that no amount has been awarded to the mother of the deceased on account of loss of love and affection of her son. Thus, he contended that the compensation awarded by the learned Tribunal is inadequate.

5. On the other hand, learned counsel for the respondent-Insurance Company contended that the learned Tribunal has rightly selected the multiplier as per the age of the parents of the deceased. He further contended that sufficient amount has been awarded by the learned Tribunal under the conventional heads and no further enhancement is required.

6. I have duly considered the aforesaid contentions.

7. The learned Tribunal has determined the monthly income of the deceased to be ₹4600/-. ₹2300/- has been added as 50% future prospects to the income of the deceased and thus, his total income has been taken to be ₹6900/- per month, which does not require any interference.

8. The learned Tribunal has applied the multiplier of 14 while taking into consideration the age of the parents of the deceased. As per the observation of the Hon'ble Apex court in case ***Munna Lal Jain and another Vs. Vipin Kumar Sharma and others 2015(3) PLR 304***, the multiplier should have been applied as per the age of the deceased. The deceased was about 19 years of age at the time of his accidental death, so the multiplier of 18 shall be applicable. After making deduction of 50% towards personal and living expenses of the deceased, the learned Tribunal

has determined the annual dependency qua the claimants to be ₹41,400/-. After applying the multiplier of 18, the multiplicand/total loss of dependency comes to ₹7,45,200/-.

9. The learned Tribunal has rightly awarded the funeral and last rites expenses to the tune of ₹25,000/-. The learned Tribunal has not awarded any amount of compensation to the mother of the deceased on account of the loss of love and affection of her son. Appellant-claimant No.2 Smt. Sanjo Devi the mother of the deceased shall also be entitled to ₹1,00,000/- towards loss of love and affection of her son. Thus, the total amount of compensation comes to ₹8,70,200/-

10. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed and the amount of compensation payable to the appellants-claimants is hereby enhanced to ₹8,70,200/- from ₹6,04,600/- as awarded by the Tribunal. The appellants-claimants shall also be entitled to interest on the enhanced amount of maintenance at the rate as awarded by learned Tribunal from the date of filing the petition till realisation. The liability to pay the enhanced amount of compensation and the apportionment amongst the claimants shall also remain same as determined by the learned Tribunal in the main award.

08.12.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No