

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

**FAO-2111-2014 (O&M)
Date of decision: 09.02.2016**

Surinder Kaur and another

...Appellants

Versus

Ramesh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Biriwal, Advocate,
for the appellant.

Mr. Abhinav Gupta, Advocate,
for respondent No.4-Insurance Company.

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JITENDRA CHAUHAN, J.

The present appeal has been filed seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Ludhiana, ('the Tribunal', for brevity) vide impugned award dated 13.08.2013.

The learned counsel for the appellant submits that the multiplier has been wrongly applied taking into consideration the age of claimant, the mother of the deceased. Further it is contended that nothing has been awarded on account of future

prospects. The amount awarded under the conventional heads is also on the lower side.

On the other hand, the learned counsel for the respondent-Insurance Company has vehemently argued that the amount of compensation awarded by the learned Tribunal is just and appropriate and does not call for any interference.

I have heard the learned counsel for the parties and perused the record.

As per record, the deceased, Jatinder Singh, was aged 24 years at the time of his death in the accident in question. The learned Tribunal has applied multiplier of 13 keeping in view the age of the mother of the deceased. In ***Amrit Bhanu Shali Vs. National Insurance Co. Ltd. (SC), 2012(4) R.C.R. (Civil) 343***, Hon'ble the Apex Court was pleased to hold that in a case relating to the death of a bachelor, the basis for determination of multiplier should be the age of the deceased and not that of the claimant(s). In the present case, the deceased was a bachelor. Therefore, the multiplier of 13 applied by the learned Tribunal is increased to 18. Furthermore, an increase of 50% is ordered in the actual income of the deceased towards future prospects, keeping in view the age of the deceased and the law laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***. In this way, the

compensation on account of loss of dependency would come to Rs.4,000/- + 50% X 12 X ½ X 18 = Rs.6,48,000/-, as against the amount of Rs.3,12,000/-, assessed by the learned Tribunal.

Furthermore, the amount of Rs.5,000/- awarded under the head of funeral expenses is enhanced to Rs.20,000/-. Another amount of Rs.1,00,000/- is awarded to the claimant-mother of the deceased, towards 'loss of love and affection', in view of the law laid down by Hon'ble the Apex Court in *Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776*.

In view of the above, the claimant-appellant, is held entitled to the enhanced compensation of Rs.4,51,000/- [Rs.3,36,000/- (enhancement towards loss of dependency) + Rs.15,000/- (enhancement towards funeral expenses) + Rs.1,00,000/- (towards loss of love and affection pay)], over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, she shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

09.02.2016
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(JITENDRA CHAUHAN)
JUDGE