

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

FAO No.1987 of 2015

Date of decision : 02.06.2016

Bhago Devi and another

.....Appellants

Versus

Ashish and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Ishan Cooner, Advocate for
Mr. J.S. Cooner, Advocate for appellants.

Ms. Vandana Malhotra, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 20.10.2014, passed by learned Motor Accidents Claims Tribunal, Ambala (hereinafter called the 'Tribunal'), vide which the appellants-claimants have been awarded compensation to the tune of Rs.3,50,000/- along with interest at the rate of 7.5% per annum from the date of filing the claim petition till realisation on account of death of Sukhwinder Singh in the motor vehicular accident, which took place on 20.02.2014.

2. The present appeal has been preferred by the appellants-

claimants for enhancement of the amount of compensation.

3. Learned counsel for the appellants-claimants contended that the learned Tribunal has not added any future prospects towards the income of the deceased. The multiplier has also been wrongly applied as per the age of the claimants/parents. No amount has been awarded towards loss of love and affection and less amount has been awarded towards funeral expenses. Thus, he contended that the compensation awarded by the learned Tribunal is highly inadequate.

4. On the other hand, learned counsel for the respondent-Insurance Company contended that just compensation has been awarded by the learned Tribunal taking into consideration all the permissible heads. He contended that no future prospects were required to be added to the income of the deceased as he was not having any permanent job carrying regular increments. Thus, he contended that no further enhancement of the amount of compensation will be justified.

5. I have duly considered the aforesaid contentions.

6. As per the case of the appellants-claimants deceased Sukhwinder Singh was 21 years of age. He was doing the labour work and was also running the milk dairy. It is alleged that he was earning Rs.10,000/- per month. But in the absence of any cogent and convincing evidence, the learned Tribunal has rightly taken the income of the deceased to be Rs.5000/- per month. But the learned Tribunal has not added anything towards the future prospects to the income of the deceased. The deceased was a labourer. He was a young man of 21 years of age. So, with the

passage of time, the income of the deceased was bound to increase. Thus, keeping in view the age of the deceased, 50% of his income is required to be added towards future prospects. The total income comes to Rs.7500/- per month *i.e.* Rs.90,000/- per annum. The learned Tribunal has rightly deducted 50% of the income of the deceased towards his personal and living expenses as he was a bachelor. So, the remainder comes to Rs.45,000/-.

7. The learned Tribunal has wrongly applied the multiplier of 11 taking into consideration the age of the mother of the deceased. In view of the law laid down by 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. So, after applying the multiplier of 18 as per the age of the deceased, the loss of dependency comes to Rs.8,10,000/-. Appellant-claimant No.1 Smt. Bhago Devi is also entitled to a sum of Rs.1,00,000/- towards loss of love and affection of her son. Learned Tribunal has only awarded a sum of Rs.20,000/- on account of transportation, funeral and last rites expenses of the deceased, which are enhanced to Rs.25,000/-. Thus, the total amount of compensation comes to Rs.9,35,000/-.

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby allowed. The amount of compensation is enhanced to Rs.9,35,000/- from Rs.3,50,000/- as awarded by the learned Tribunal. The appellants-claimants shall also be entitled to interest at the rate as determined by the learned Tribunal on the enhanced amount from the date of filing the petition till realisation. The liability to pay the enhanced

amount shall remain as determined by the learned Tribunal in the main award.

02.06.2016
sunil yadav

(DARSHAN SINGH)
JUDGE