

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

**FAO-2075-2015 (O&M)
Date of decision: 30.05.2016**

Santra and another

...Appellants

Versus

M/s Satkar Logistic Pvt. Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Arvind Kumar Yadav, Advocate,
for Mr. Surender Saini, Advocate,
for the appellants.

Ms. Vandana Malhotra, Advocate,
for respondent No.3-Insurance Company.

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JITENDRA CHAUHAN, J.

The present appeal has been filed seeking enhancement of the amount of compensation awarded by learned Motor Accidents Claims Tribunal, Sonipat, ('the Tribunal', for brevity) vide impugned award dated 06.01.2015.

The learned counsel for the appellant submits that deceased Parveen, aged about 25 years, a bachelor, was son of the claimant-appellants. The multiplier of 9 has been wrongly applied keeping in view the age of the claimant-mother. Nothing has been awarded on account of future prospects. The amount awarded under the conventional heads also deserved to be enhanced.

On the other hand, the learned counsel for the respondent-

Insurance Company vehemently states 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.

It has come on record that the deceased was aged 25 years at the time of his death in the accident. However, learned Tribunal fell in error in considering the age of the claimant-mother to determine the multiplier. 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. Accordingly the multiplier of 9 applied by learned Tribunal is enhanced 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 as per the law laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***. The deduction has been rightly applied. In this way, compensation on account of loss of dependency would come to ₹5,000/- + 50% X 12 X ½ X 18 = ₹8,10,000/-, as against the amount of ₹2,70,000/-, assessed by the learned Tribunal.

Another amount of ₹1,00,000/- is awarded to the claimant-mother of the deceased, if she is alive on her furnishing affidavit, 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, claimant-appellant, Santra is held entitled to the enhanced compensation of ₹6,40,000/- [₹5,40,000/- (enhancement towards 'loss of dependency') + ₹1,00,000/- (towards 'loss of love and affection' payable to the mother of the deceased only on her furnishing affidavit)], 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, the claimant shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization.

However, as the question of grant of future prospects to daily wagers/self employed persons is pending adjudication before the Hon'ble Supreme Court in SLP No.16735 of 2014, the amount of compensation under the head 'future prospects', shall be disbursed to the claimants against adequate surety in the form of indemnity bonds.

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

30.05.2016*Sumit/atulsethi***(JITENDRA CHAUHAN)
JUDGE**