IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4200-2014 (O&M)
(MACT case No.382 of 2012)
Date of decision: 3.5.2016

Ram Singh and another

...Appellants

Versus

Parmajit Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.MS Randhawa, Advocate for the appellants

Mrs.Alka Joshi, Advocate for respondent No.3.

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SNEH PRASHAR, J.

The present appeal is for enhancement of compensation awarded to the appellants by Motor Accident Claims Tribunal, Narnaul (for short, "the Tribunal") vide the award dated 18.11.2013 passed in MACT case No.382 of 2012 on account of death of Paranjit, son of the appellants, who lost his life in a vehicular accident that took place on 25.8.2012.

The submissions made by Mr. MS Randhawa, Advocate representing the appellants and Mrs.Alka Joshi, Advocate for respondent No.3 have been heard.

Learned counsel for the appellants- claimants submitted that the deceased was running a grocery shop in Nangal Chaudhary and used to earn Rs.14,000/- per month. However, learned Tribunal assessed his income as Rs.4800/- per month as per the Minimum Wages notified by the State. Learned Tribunal applied the multiplier of 15 but as the deceased at the time of death was in the age group of 21-25 years, the multiplier of 18 was applicable. Nothing was added to the income computing the future prospects. Also the amount awarded under the conventional heads is inadequate.

Admittedly, Paranjit, son of the appellants died due to the injuries suffered by him in a road side accident. He was aged 21 years and was a bachelor at the time of his death. In the absence of some substantive evidence with regard to the income of the deceased, learned Tribunal has rightly assessed his income as Rs.4800/- per month.

Since, the age of the deceased was 21 years, following the law laid down in **Amrit Bhanu Shali and others vs. National Insurance Co. Ltd. 2012 (4) RCR (Civil) 343,** the suitable multiplier will be 18. Deduction of 1/2 towards personal and living expenses of the deceased was rightly made.

As per law laid down by Hon'ble Apex Court in **Rajesh and others vs. Rajbir Singh and others, 2013(9) SCC 54** addition of 50% to the actual income of the deceased has to be made computing future prospects. It appears that the learned Tribunal has wrongly awarded the amount under the head of loss of consortium when the deceased was unmarried son of the appellants. The said amount shall be adjusted towards the amount allowed under conventional heads.

Perusal of the award shows that nothing was awarded towards loss of love and affection to the parents, therefore, a sum of Rs.50,000/- is allowed on this count. The amount awarded under the head of transportation of dead body and last rites is also enhanced to Rs.25,000/-.

Accordingly, the total compensation comes to Rs.8,52,600/- (4,800 (monthly income) + 50% (future prospects) – 1/2 (deduction towards personal and living expenses of the deceased) x 12 x 18 (multiplier) +75,000 (under the conventional heads). The enhanced amount of Rs.3,90,600/- (8,52,600 -4,62,000) shall be paid to the appellants within two months from the date of receipt of the certified copy of this judgment, failing which, it shall carry interest at the rate of 7.5% per annum from the date of filing of the appeal, till its realization.

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

3.5.2016 **(SNEH PRASHAR)**
gsv **JUDGE**