

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

**FAO No.2976 of 2015
Date of decision : 17.02.2016**

Smt. Nirmala Devi and another

.....Appellants

Versus

Harjinder Singh 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. Puneet Jindal, Senior Advocate with
Ms. Sakshi, Advocate for appellants.

Mr.Manish Verma, Advocate for respondents No.1 & 2.

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

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 23.01.2015 passed by learned Motor Accidents Claims Tribunal, Jalandhar (hereinafter called the 'Tribunal'), vide which they have been awarded the compensation to the tune of Rs.21,05,000/- along with interest @ 7.5% per annum from the date of filing the claim petition till realization on account of death of Pankaj

Sangwal in the motor vehicular accident, which took place on 11.04.2013.

2. The present appeal has been preferred by the appellant-claimants for enhancement of the amount of compensation.

3. I have heard Mr. Puneet Jindal, learned Senior Advocate with Ms.Sakshi, Advocate, learned counsel for appellants, Mr. Manish Verma, Advocate, learned counsel for respondents No.1&2, Ms. Vandana Malhotra, Advocate, learned counsel for respondent No.3 and gone through the paper-book carefully.

4. Learned counsel for the appellants contended that the deceased was only 28 years of age. He was working as Assistant Manager in Oriental Bank of Commerce, Parjain Kalan Branch, Tehsil Shahkot, Distt. Jalandhar. The learned Tribunal has determined his income Rs.23,041.75 per month i.e. Rs.2,76,501.00 per annum. She further contended that the learned Tribunal has wrongly awarded the future prospects of 30% instead of 50%. The multiplier has also been wrongly applied as per the age of the parents.

5. Learned counsel for the respondents could not repel the aforesaid contentions advanced by learned counsel for the appellants, however, they contended that the appellants have been awarded a compensation of Rs.21,05,000/- , which is just and appropriate.

6. I have duly considered the aforesaid contentions.

7. I do not found any substance in the contentions raised by learned counsel for the respondents.

8. It is an admitted fact that the date of birth of the deceased

was 10.11.1985. The learned Tribunal has categorically mentioned that the deceased was 28 years of age at the time of the accident. As per the law laid down by Hon'ble Apex Court in case ***Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77***, the future prospects of 50% should be added to the actual salary of the deceased were the deceased is below 40 years of age. In the instant case, admittedly the deceased was much below of 40 years of age as he was just 28 years of age on the date of his death. So, the future prospects should have been added to the tune of 50% to the salary of the deceased. 50% of the annual income of the deceased comes to Rs.1,38,250.50 (2,76,501 x 50/100). So, the total income of the deceased comes to Rs.4,14,751.50.

9. This fact is not disputed that deceased was unmarried. So, 50% of his income is to be deducted towards his own living and personal expenses. The remainder comes to Rs.2,07,375.75. To make it round figure, we can take it as Rs.2,07,375/-.

10. Now we are to select the suitable multiplier. As per the law laid down by the Hon'ble Apex Court in case ***Munna Lal Jain and another Vs. Vipin Kumar Sharma and others 2015(3) PLR 304***, the multiplier as per the age of the deceased is to be applied. The deceased was 28 years of age at the time of his death, so the multiplier of 17 shall be applicable. The multiplicand comes to Rs.35,25,375/-.

11. The compensation awarded by the learned Tribunal under the remaining heads is just and appropriate and do not require any modification. So, the total amount of compensation comes to Rs.36,50,375/- (35,25,375 + 1,00,000 + 25,000).

12. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The compensation awarded to the appellants is hereby enhanced from Rs.21,05,000/- to Rs. 36,50,375/-. The appellants shall 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.

17.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**