

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

FAO No.2997 of 2015

Date of decision : 18.11.2016

Saroj and others

.....Appellants

Versus

Ranjeet Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. BahadurSingh, Advocate for appellants.

Mr. Neeraj Khanna, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 20.08.2014, passed by the learned Motor Accidents Claims Tribunal, Yamunanagar at Jagadhri (hereinafter called the “Tribunal”), whereby the appellants-claimants have have been awarded compensation to the tune of Rs.5,95,900/- on account of death of their son Hemender Singh in the motor vehicular accident which took place on 04.11.2011.

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

3. I have heard learned counsel for the parties and have gone through the paper-book carefully.

4. Initiating the arguments, learned counsel for the appellants-claimants contended that learned Tribunal has applied the wrong multiplier

as per the age of the parents of the deceased. He further contended that nothing has been awarded to the claimants towards loss of love and affection of their son and less amount has been awarded towards funeral expenses.

5. On the other hand, learned counsel for the respondent-Insurance Company contended that just and appropriate amount of compensation have been awarded by the learned Tribunal under all the heads and the impugned award does not call for any interference.

6. I have duly considered the aforesaid contentions.

7. Deceased Hemender Singh was 20 years of age at the time of the accident. He was a bachelor. The learned Tribunal has applied the multiplier of 13 while taking into consideration the age of appellant-claimant Smt. Urmila Devi the mother of the deceased, but as per 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, the multiplier of 18 shall be applicable. Thus, the compensation on account of loss of dependency comes to Rs.7,41,528 (41,196 x 18). In addition to that, the mother of the deceased shall also be entitled to a sum of Rs.1,00,000/- on account of loss of love and affection of her young son. Learned Tribunal has only awarded a sum of Rs.5000/- towards funeral expenses, which are enhanced to Rs.25,000/-. Learned Tribunal has rightly awarded a sum of Rs.5000/- towards loss to estate. Thus, the total amount of compensation payable to the appellants-claimants comes to Rs.8,71,528/-.

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The total amount of compensation payable to appellants-claimants is enhanced to Rs.8,71,528/- from Rs.5,95,900/- as awarded by the learned Tribunal. The appellants-claimants shall also be entitled to interest on the enhanced amount of compensation from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to pay the enhanced amount of compensation and apportionment amongst the claimants shall remain same as determined by the learned Tribunal in the main award.

18.11.2016*sunil yadav***(DARSHAN SINGH)
JUDGE****Whether speaking/reasoned : Yes / No****Whether reportable : Yes / No**