

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

**FAO-5491-2013 (O&M)
Date of decision: 19.02.2016**

Surjit Kaur and others

...Appellants

Versus

Surinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashok K. Sharma, Advocate,
for the appellants.

Mr. Rajbir Singh, Advocate,
for respondent No.3-Insurance Company.

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JITENDRA CHAUHAN, J.

CM-23147-CII-2013

Reply to the application for condonation of delay of 225
days in filing the appeal, filed in the Court, is taken on record.

Heard.

For the reasons mentioned therein, the CM application
is allowed and the delay of 225 days in filing the appeal is
condoned.

Main case

The present appeal has been filed seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Patiala, ('the Tribunal', for brevity) vide impugned award dated 26.10.2012.

The learned counsel for the appellant submits that the multiplier has been wrongly applied taking into consideration the age of the claimant, the mother of the deceased. Further it is contended that nothing has been awarded on account of future prospects. The amount awarded under the conventional heads is also on the lower side.

On the other hand, the learned counsel for the respondent-Insurance Company has vehemently argued 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.

As per record, the deceased, Tarsem Singh, was aged 34 years at the time of his death in the accident in question. The learned Tribunal has applied multiplier of 7 keeping in view the age of the mother of the deceased. 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). Similar view has been taken by the Hon'ble Apex Court in ***Munna Lal Jain and another Vs. Vipin Kumar Sharma and others, 2015(3) SCC (Civil) 315***. In the present case, the deceased was a bachelor. Therefore, the multiplier of 7 applied by the learned Tribunal is increased to 16. 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 and the law laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***. In this way, the compensation on account of loss of dependency would come to Rs.6,000/- + 50% X 12 X ½ X 16 = Rs.8,64,000/-, as against the amount of Rs.2,10,000/-, assessed by the learned Tribunal.

Furthermore, the amount of Rs.5,000/- awarded under the head of funeral expenses is enhanced to Rs.20,000/-. Another amount of Rs.1,00,000/- is awarded to the claimant-mother of the deceased, 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, the claimant-appellant, is held

entitled to the enhanced compensation of Rs.7,69,000/- [Rs.6,54,000/- (enhancement towards loss of dependency) + Rs.15,000/- (enhancement towards funeral expenses) + Rs.1,00,000/- (towards loss of love and affection pay)], 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 claimants shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization.

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

19.02.2016
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(JITENDRA CHAUHAN)
JUDGE