

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

FAO No.5051 of 2014 (O&M).

Date of Decision: 27.05.2016.

Jaswant Singh and others

....Appellants.

VERSUS

Jagroop Singh and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Jaideep Verma, Advocate for the appellants.

Respondent No.1 exparte vide order dated 20.07.2015.

Ms. Shamsher Kaur, Advocate for respondent No.2.

SNEH PRASHAR, J.

By way of this appeal, appellants-Jaswant Singh and others seek enhancement of compensation awarded by learned Motor Accident Claims Tribunal, Ropar (for short, "the Tribunal") vide award dated 18.02.2014 passed in MACT Case No.33 of 30.03.2013 on account of death of Jagmohan Singh @ Kalu (son of appellants No.1 and 2 and grandson of appellant No.3), who lost his life in a vehicular accident.

The submissions made by Mr. Jaideep Verma, learned counsel for the appellants and Ms. Shamsher Kaur, learned counsel for respondent No.2 have been heard and record perused.

Learned counsel for the appellants-claimants contends that at the time of accident the age of the deceased was 20 years. He was working

as a carpenter and was earning Rs.500/- per day i.e. Rs.15,000/- per month, but learned Tribunal wrongly assessed his income as Rs.5000/- per month only. No amount was added by learned Tribunal to the income of the deceased computing his future prospects. There being three dependents on the deceased the deduction of 1/2 from the income of the deceased towards his personal and living expenses has been wrongly made. The amount of Rs.10,000/- awarded as funeral expenses is on the lower side. Also no amount was awarded to the appellants for loss of love and affection. Learned counsel further contended that from the site of accident, the deceased was taken to Civil Hospital Chamkaur Sahib in an injured condition, further his condition being serious he was referred to PGI, Chandigarh from where he was again referred to Civil Hospital, Ropar and he succumbed to the injuries on 04.02.2013 i.e. after eight days of accident, but learned Tribunal awarded nothing as expenditure on transportation etc.

No substantive and reliable evidence was produced by the appellants to prove the occupation and income of the deceased. In absence of required evidence and considering the deceased to be a casual labourer, learned Tribunal rightly assessed the income of the deceased as Rs.5000/- per month and that calls for no intervention.

Perusal of the award shows that no amount was added to the income of the deceased computing future prospects. Following the ratio of **Rajesh and others vs. Rajbir Singh and others, 2013(3) R.C.R. (Civil) 170** since the age of the deceased was 20 years when he died in the accident, there had to be an addition of 50% to the actual income of the deceased on account of future prospects, which learned Tribunal failed to allow. The deceased being a bachelor at the time of accident, the deduction of 50%

from the income of the deceased towards his personal and living expenses is not required to be disturbed. The age of the deceased being 20 years, the multiplier of '18' was rightly applied. Appellant-claimant No.3 being grand father of the deceased was rightly held to be not entitled to any compensation. Accordingly, the compensation payable to appellants-claimants No.1 and 2 is calculated as under:-

1.	Monthly income of the deceased (in Rupees)	Rs.5000/-
2.	Actual age of the deceased	20 years
3.	Increase in future income as per Rajesh and others' case (supra)	Rs.2500/-
4.	Annual dependency	1/2 of Rs.7500 x 12 = Rs.45,000/-
5.	Multiplier	18
6.	Total	Rs.8,10,000/-

In addition to the amount of Rs.8,10,000/- calculated towards dependency, the amount of Rs.10,000/- awarded under the head of funeral expenses is enhanced to Rs.25,000/-. A further amount of Rs.50,000/- is awarded to the appellant-claimant No.2 for loss of love and affection. Another amount of Rs.10,000/- is awarded to the appellants No.1 and 2 being expenditure on transportation. The rate of interest allowed by learned Tribunal shall remain the same.

Accordingly, the appeal filed by the appellants-claimants is partly allowed and the award dated 18.02.2014 passed by learned Tribunal is modified. The enhanced compensation of Rs.3,45,000/- be paid to appellants-claimants No.1 and 2 within 45 days from the date of receipt of certified copy of this judgment failing which they shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of this order till realization. The amount of compensation will be disbursed

to appellants-claimants No.1 and 2 in terms of shares/conditions incorporated in the award of the Tribunal.

(SNEH PRASHAR)
JUDGE

27.05.2016.
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