

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

FAO-5986-2014
(MACT case No.906 of 19.9.2012)
Date of decision: 15.3.2016

Maso and another

...Appellants

Versus

Manmeet Kumar and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Ashwani Arora, Advocate for the appellants

Respondents No.1 and 2 ex-parte

Mrs.Madhu Sharma, Advocate for respondent No.3.

SNEH PRASHAR, J.

Claimants-appellants being the parents of deceased Jasminder Singh @ Jaswinder Singh, who lost his life in a road side accident on 29.8.2012, filed the present appeal seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to 'the Tribunal') vide award dated 21.11.2013.

The submissions made by Mr.Ashwani Arora, Advocate representing the appellants and Mrs.Madhu Sharma, Advocate for respondent No.3- Insurance Company have been heard and record perused.

The only argument raised by learned counsel for the

appellants is that nothing has been awarded to the mother on account of loss of love and affection.

Learned counsel for respondent No.3- Insurance Company could not controvert the submission made by learned counsel for the appellants.

The fact that that Jasminder Singh @ Jaswinder singh died due to the injuries suffered by him in a road side accident that occurred due to rash and negligent driving of the offending vehicle by respondent No.1, is no more a contentious issue. The deceased was 21 years aged and was bachelor at the time of death. The petition claiming compensation was filed by the parents -appellants invoking the provisions of Section 166 of the Motor Vehicles Act, 1988. Learned Tribunal keeping in mind the law laid down by the Apex Court in **Sarla Verma and others vs. DTC and another 2009 ACJ 1298** has rightly declined the claim of appellant No.2- father of the deceased. Since the deceased was 21 years old, in view of **Amrit Bhanu Shali and others vs. National Insurance Co. Ltd. 2012 (4) RCR (Civil) 343** the multiplier of 18 and deduction of 1/2 to the actual income towards personal and living expenses of the deceased were rightly applied.

Perusal of the award shows that while awarding compensation under the conventional heads, no amount has been allowed towards loss of love and affection to the mother. Needless to say that the untimely death of the young son caused a grave shock to the mother. Following the ratio of **Amrit Bhanu Shali and other's case**

(supra), for loss of love and affection a sum of Rs.50,000/- is allowed to the mother as compensation.

Accordingly, the enhanced amount of Rs.50,000/- shall be paid to appellant No.1 -mother of the deceased, within two months from the date of receipt of the certified copy of this judgment, failing which, the same shall carry interest @ 7.5 % per annum from the date of filing of the appeal till its realisation.

In view of the above, the present appeal is partly allowed and the award is modified to the above extent.

15.3.2016
gsv

(SNEH PRASHAR)
JUDGE