

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

**FAO No.6144 of 2014 (O&M)**

**Date of decision: 24.05.2016**

Kamlesh and another

...Appellants

Versus

Sombir and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. M.P.S. Chandel, Advocate and  
Mr. Uday Chauhan, Advocate  
for the appellants.

Respondent No.1, proceeded against ex parte,  
vide order dated 29.01.2016.

Mr. D.R.Bansal, Advocate  
for respondent No.2.

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**JITENDRA CHAUHAN, J.**

The present appeal has been filed seeking enhancement of the amount of compensation awarded by learned Motor Accidents Claims Tribunal, Bhiwani, ('the Tribunal', for brevity) vide impugned award dated 29.04.2014.

The learned counsel for the appellants submits that an increase of 50% ought to have been awarded towards future prospects of the deceased keeping in view his age i.e. 19 years, in terms of *Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54* . It is further contended that the multiplier of 18 ought to

have been applied in view of the age of the deceased. The amount of compensation awarded by the learned Tribunal under other heads is also inadequate.

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.

In the instant case, the deceased was 19 years of age at the time of his death in the accident. The learned Tribunal has not awarded any increase for future prospects. However, keeping in view the law laid down in **Rajesh's case (supra)**, an increase of 50% is ordered towards future prospects. Since the matter regarding future prospects is pending adjudication before Hon'ble the Supreme Court in SLP No.16735 of 2014, the disbursement of the amount of future prospects shall be subject to furnishing of requisite indemnity bonds by the claimant/appellants.

As regards the multiplier, 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). In the present case, the deceased was a bachelor. Therefore, the

multiplier of 15 is enhanced to 18.

If the above observation is taken into consideration, then the amount of compensation under the head of loss of dependency would come to ₹6,160/- + 50% X 12 X ½ X 18 = ₹9,97,920/-, as against the amount of ₹5,54,400/-, assessed by the learned Tribunal.

Furthermore, a sum of ₹1,00,000/-, is awarded to the appellant-mother of the deceased, on account of loss of love and affection, if she is alive, on her furnishing affidavit.

In view of the above, the claimant-appellants, are held entitled to the enhanced compensation of ₹5,43,520/- [₹4,43,520/- (enhancement towards loss of dependency) + ₹1,00,000/- (towards loss of love and affection, payable to the mother of the deceased only on her furnishing affidavit)], 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, they 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.

**24.05.2016**  
***hemlata***

**( JITENDRA CHAUHAN)**  
**JUDGE**