

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 5064 of 2015 (O&M)
Date of Decision : 01.09.2016

Rani Devi and others
....Appellants

Versus

Navneet Singh and others
....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Akash Singla, Advocate
Amicus Curiae for appellants.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Karnal (later referred to as ‘the Tribunal) for death of Sita Ram (later referred to as ‘the deceased’), husband of claimant-appellant no. 1 and father of claimants-appellants no. 2 and 3 on 08.11.2012, in a motor vehicle accident with car bearing No. HR-08-N-1840 (later referred to as ‘the offending vehicle’).

2. As claimants are seeking enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.
3. The Tribunal awarded compensation of ₹11,85,000/- to claimants, which was computed as follows:-

<i>Sr.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Sita Ram
(ii)	Age of the deceased	37 years
(iii)	Income of the deceased	₹5000 per month
(iv)	50% of (iii) added towards future prospects	(₹5000+₹2500)= ₹7500 per month
(v)	1/3 rd of (iv) deducted towards personal expenses	(₹7500-₹2500)= ₹5000 per annum

(vi)	Amount of dependency after applying the multiplier of 16	(₹5000X12X16)= ₹960000
(vii)	Loss of consortium for wife	₹100000
(viii)	Loss of love and affection, care and guidance for minor children	₹100000
(ix)	Transportation and funeral expenses	₹25000
Total		₹1185000

4. Learned amicus curiae assisting this Court, as counsel for appellants did not appear after filing of the appeal despite notice, has argued that compensation allowed by the Tribunal calls for enhancement on two scores. Firstly, compensation for loss of love and affection, care and guidance for minor children of the deceased has been allowed as ₹1 lac while it should be ₹2 lacs as the deceased left behind two minor children. Secondly, interest allowed by the Tribunal @ 8% per annum on amount of compensation is on lower side and it should be at least 18% per annum.

5. The deceased was 37 years of age. Multiplier as per norms laid down by Apex Court in **Sarla Verma and ors. vs. Delhi Transport Corporation and another, (2009) 6 SCC 121** attracted to this case is 15 while the Tribunal has applied multiplier of 16 while computing amount of compensation. In case of **Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54**, number of children of the deceased in a motor vehicle accident were three but compensation of ₹1 lac was allowed. In these circumstances, I feel that compensation allowed by the Tribunal for love and affection, care and guidance for the children is quite appropriate. The Tribunal allowed interest @ 8% per annum on the amount of compensation from the date of institution of claim petition till payment of whole of the amount. Keeping in view the prevailing rate of interest, no change in the rate of interest, allowed by the

Tribunal, is called for.

6. As the Insurance Company is not in appeal, I find no reason to interfere with the multiplier as applied by the Tribunal.
7. This appeal has no merit and the same is dismissed.

September 01, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No