

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

**FAO No.5484 of 2015 (O&M)
Decided on: 22.08.2016**

Mohinder Begum @ Mohinder Kaur

....Appellant

Versus

Jagan Nath and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. S.K. Arya, Advocate
for the appellant.

None for the respondents.

REKHA MITTAL, J.

Mohinder Begum @ Mohinder Kaur, mother of deceased Jagjit Khan @ Jaggi is in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Sangrur (for short 'the Tribunal').

Counsel for the appellant would contend that the learned Tribunal accepted age of the deceased to be 40 years as given in the post-mortem report Ex.C5 but multiplier of 14 has been adopted in place of 15. No compensation has been awarded for loss of estate and compensation for loss of love and affection granted to the mother is liable to be enhanced. Another submission made by counsel is that the Tribunal made an arithmetical error as total amount of compensation would be Rs.11,58,000/- viz-a-viz Rs.11,08,000/-.

I have heard counsel for the appellant and perused the

paperbook particularly the award passed by the Tribunal.

The learned Tribunal has awarded an amount of Rs.10,08,000/- for loss of dependency, Rs.1,00,000/- on account of consortium to the widow, Rs.25,000/- each for funeral expenses and loss of love and affection to the mother. In this manner, total compensation comes to Rs.11,58,000/- instead of Rs.11,08,000/-. Accordingly, the award passed by the learned Tribunal is modified that total compensation payable to the claimants as per the award would be Rs.11,58,000/-.

There is no challenge to findings of the Tribunal that the deceased was 40 years' old at the time of death. In the light of judgment *“Smt. Sarla Verma and others vs. Delhi Transport Corporation and another”*, 2009(3) R.C.R. (Civil) 77, the appropriate multiplier would be 15 in place of 14. By adopting a multiplier of 15, loss of dependency would be **Rs.10,80,000/-** (Rs.4,000/- x 12 x 15 = Rs.7,20,000/- + Rs.3,60,000/- (50% towards future prospects)). The appellant is awarded an amount of **Rs.50,000/-** for loss of love and affection and another amount of **Rs.25,000/-** for loss of estate. The amount of **Rs.1,00,000/-** in respect of loss of consortium awarded to widow of the deceased and **Rs.25,000/-** for funeral expenses awarded by the Tribunal shall remain intact.

In this manner, total compensation comes to **Rs.12,80,000/-** and the enhanced compensation comes to **Rs. 1,22,000/-** (Rs.12,80,000/- – Rs.11,58,000/-) payable with interest @ 7.5% per annum from the date of filing of the claim petition till realization. The enhanced compensation shall be shared by the mother and widow of the

deceased to the extent of 50% each.

Disposed of accordingly.

22.08.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No