

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

FAO No.771 of 2014 (O&M)

Date of decision: 20.05.2016

Smt. Asha Rani and another

...Appellants

Versus

Satish and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.N.K.Malhotra, Advocate,
for the appellants.

Mr. R.C.Kapoor, Advocate
for respondent No.3-Insurance Company.

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JITENDRA CHAUHAN, J.

The present appeal has been filed seeking enhancement of compensation awarded by learned Motor Accidents Claims Tribunal, Rohtak, ('the Tribunal', for brevity) vide impugned award dated 01.08.2013.

Learned counsel for the appellants states that the deceased was 18 years of age at the time of his accident. The multiplier on the age of the claimants has wrongly been applied by the learned Tribunal. In the case of *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). He further states that the deduction is on the higher side and the amount of ₹20,000/- awarded towards loss of love

and affection is also on the lower side. It deserves to be enhanced.

On the other hand, the learned counsel for the respondent-Insurance Company states that the deduction and the multiplier has been rightly applied in view of the law laid down in **New India Assurance Company vs. Shanti Pathak, 2007 (3) RCR Civil 593.**

I have heard the learned counsel for the parties and perused the record carefully.

Therefore, considering the points raised by the learned counsel for the appellants, this Court feels that according to the law laid down by Hon'ble the Supreme Court in **Amrit Bhanu Shali Vs. National Insurance Co. Ltd. (SC), 2012(4) R.C.R. (Civil) 343**, which is a later judgement the multiplier ought to be increased to 18 instead of 14 as per the age of the deceased. Accordingly, the total dependency comes to ₹4,500/- x 12 x 1/2 x 18 = ₹4,86,000/- as against ₹3,78,000/- awarded by the learned Tribunal. The deduction is not on the higher side.

It is further stated that the amount awarded under the head of loss of love and affection at ₹20,000/- also needs to be enhanced in view of the law laid down by Hon'ble the apex Court in **Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776.** Accordingly, another amount of Rs.80,000/- is awarded to the claimant-mother of the deceased, towards 'loss of love and affection'. No other point has been raised.

In view of the above, the claimant-appellants, are held

entitled to the enhanced compensation of ₹1,88,000/- [₹1,08,000/- (enhancement towards loss of dependency) + ₹80,000/- (towards loss of love and affection)], over and above the amount already awarded by the learned Tribunal in equal shares, 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.

20.05.2016

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**(JITENDRA CHAUHAN)
JUDGE**