

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

FAO-660-2015 (O&M)
Date of Decision: 05.05.2016

Satwanti

...Appellant

Versus

Rajesh Hooda and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashok Kaushik, Advocate for
Mr. Ajit Malik, Advocate
for the appellants.

Respondents No.1, 4 to 7 ex parte.

Mr. Saurabh Mohunta, DAG, Haryana
for respondent No.2.

Mr. Binny Thomas, Advocate for respondent No.3.

JITENDRA CHAUHAN, J.

The present appeal has been preferred by the claimant-appellant, seeking enhancement of the amount of compensation awarded vide impugned award dated 12.09.2014, passed by the learned Motor Accidents Claims Tribunal, Sonipat (for short, 'the Tribunal').

2. The appellant is the mother of the deceased, Vishal, aged 24 years, who died in the accident in question. It is

submitted that keeping in view the age of the deceased, the multiplier of 18 instead of 13 ought to have been applied. It is further contended that an increase of 50% towards future prospects deserved to be awarded as against 30% awarded by the learned Tribunal.

3. On the other hand, the learned counsel for the respondents oppose the prayer for enhancement of the compensation amount and state that just and reasonable compensation has already been awarded by the Tribunal.

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

5. In the instant case, the deceased, a bachelor, was 24 years of age at the time of his death in the accident. The learned Tribunal has awarded increase of 30% for future prospects. However, keeping in view the law laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***, an increase of 50% is ordered towards future prospects. 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 13 is enhanced to 18. The deduction to the extent of 50% is rightly applied.

If the above observation is taken into consideration, then the amount of compensation under the head of loss of dependency would come to Rs.14,000/- + 50% X 12 X ½ X 18 = Rs. 22,68,000/-, as against the amount of Rs.14,19,600/-, assessed by the learned Tribunal.

7. The enhanced amount of compensation of Rs. 8,48,400 as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable to the claimants in the same manner as mentioned in the award, 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. Keeping in view the fact that that vehicle was insured, the respondent No.3 shall indemnify the insured.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

05.05.2016

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**(JITENDRA CHAUHAN)
JUDGE**