

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

FAO No.638 of 2016

Date of decision : 12.12.2016

Kuldeep Kaur and another

.....Appellants

Versus

Raj Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Ms. Amanpreet kaur, Advocate for
Mr. Mandeep Singh Sachdev, Advocate for appellants.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 28.08.2015 passed by the learned Motor Accidents Claims Tribunal, Hoshiarpur (hereinafter called the “Tribunal”) in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short the “Act”) vide which appellants-claimants have been awarded a sum of ₹21,56,000/- as compensation on account of death of their son Gurinder Pal Singh in the motor vehicular accident which took place on 25.11.2013.

2. The present appeal has been preferred by the appellants-claimants for enhancement of the amount of compensation.

3. Notice of the appeal was issued to respondent No.2- Bharti AXA General Insurance Company Limited, but none has appeared on its behalf despite service.

4. I have heard learned counsel for the appellants and gone through the paper-book meticulously.

5. Initiating the arguments, learned counsel for the appellants-claimants contended that the deceased was 20 years of age. The multiplier of 18 should have been applied but the learned Tribunal has wrongly applied the multiplier of 17. She further argued that nothing has been awarded to the claimants on account of loss of love and affection of their son.

6. I have duly considered the aforesaid contentions.

7. As per the case of the claimants the deceased was 20 years of age at the time of his accidental death. AW-1 Bhupinder Singh appellant-claimant No.2 has also deposed that at the time of his unfortunate death, deceased was 20 years of age. Thus, as per the age of the deceased, multiplier of 18 should have been applied but the learned Tribunal has wrongly applied the multiplier of 17. Thus, by applying the multiplier of 18, the multiplicand/loss of dependency comes to ₹22,50,000 (1,25,000 x 18).

8. Learned Tribunal has also not awarded any amount of compensation to the mother of the deceased towards loss of love and affection of her son. So, she will be entitled to a sum of ₹1,00,000/- on account of loss of love and affection of her son.

9. Learned Tribunal has rightly awarded a sum of ₹25,000/- towards funeral and last rites expenses and a sum of ₹6000/- towards loss to estate. So, the total amount of compensation comes to ₹ 23,81,000/-.

10. Thus, keeping in view my aforesaid discussion, the present

appeal is hereby partly allowed and the amount of compensation payable to the appellants-claimants is hereby enhanced to ₹23,81,000/- from ₹21,56,000/- as awarded by the Tribunal. The appellants-claimants shall also be entitled to interest on the enhanced amount of compensation at the rate as awarded by learned Tribunal from the date of filing the petition till realisation. The liability to pay the enhanced amount of compensation and the apportionment amongst the claimants shall also remain same as determined by the learned Tribunal in the main award.

12.12.2016*sunil yadav***(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No