

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

FAO No.9007 of 2014 (O&M)

Date of decision : 10.11.2016

Naresh

.....Appellant

Versus

Bakshuddin and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Navmohit Singh, Advocate for applicant-appellant.

Mr. Pardeep Kumar, Advocate for
respondent No.3-Insurance Company.

DARSHAN SINGH, J.

CM-20604-CII-2014

There is delay of 82 days in filing the present appeal. The appellant has filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 82 days in filing the present appeal is hereby condoned.

Main Appeal

The present appeal has been preferred by the appellant-claimant against the award dated 01.04.2014, passed by the learned Motor Accidents

Claims Tribunal, Jind (hereinafter called the “Tribunal”), in a petition filed under Section 166 of the Motor Vehicles Act, 1988, vide which appellant-claimant Naresh along with Smt. Krishan Devi (mother of the deceased) has been awarded total compensation to the tune of ₹38,24,336/- on account of the death of Amarjit in the motor vehicular accident which took place on 23.08.2012.

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

3. I have heard learned counsel for the parties and gone through the record of the case meticulously.

4. Initiating the arguments, learned counsel for the appellant-claimant contended that the age of deceased Amarjit was about 23 years at the time of his accidental death, but the learned Tribunal has wrongly applied the multiplier of 17. As per the age of the deceased, the multiplier of 18 should have been applied. Thus, he pleaded that less amount of compensation has been awarded to the appellant-claimant by the learned Tribunal.

5. On the other hand, learned counsel for respondent-Insurance Company contended that learned Tribunal has awarded the proper compensation under all the heads. Thus, the compensation awarded by the learned Tribunal to the appellants is just and appropriate and no required any interference by this Court.

6. I have duly considered the aforesaid contentions.

7. As per the law laid down by Hon'ble Apex Court in case ***Sarla Verma and others Vs. Delhi Transport Cooperation and another (2009) 6 SCC 121***, in case the deceased falls in the age group of 15 to 25, the multiplier of 18 shall be applicable. In the instant case, the date of birth of deceased Amarjit was 15.08.1989. The accident took place on 23.08.2012. So, at the time of the death, he was of the age of 23 years and 08 days. Thus, in view of the age of the deceased the multiplier of 18 shall be applicable.

8. The learned Tribunal has determined the income of the deceased to be ₹18134/- per month. After adding 50% future prospects towards the income of the deceased and after deducting 1/3rd amount towards his personal and living expenses, the learned Tribunal has determined the annual income of the deceased to be ₹2,17,608/-. After applying the multiplier of 18, the loss of dependency comes to ₹39,16,944/-.

9. The learned Tribunal has rightly awarded ₹1,00,000/- to appellant-claimant towards loss of consortium and ₹25,000/- towards funeral expenses. In this manner, the total amount of compensation comes to ₹40,41,944/-.

10. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced to ₹40,41,944/- from ₹38,24,336/- as awarded by the Tribunal. The claimants shall also be entitled to interest at the rate as determined by the learned Tribunal on the enhanced amount from the date of filing the petition till realisation. The liability to pay the enhanced amount of compensation and

the apportionment amongst the present appellant-claimant and Smt.Krishan Devi (mother of the deceased) shall remain same as determined by the learned Tribunal in the main award.

10.11.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No