

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

FAO-9837-2014 (O&M)
Date of decision: 28.04.2016

Meenakshi and others

...Appellants

Versus

Subhash Chand and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhinav Kalia, Advocate
for the appellants.

Respondent Nos.1 and 2, service dispensed with.

Mr. Paul S. Saini, Advocate
for respondent No.3.

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JITENDRA CHAUHAN, J.

CM No.27229-CII of 2014

After hearing the learned counsel for the parties and for the reasons contained in the application, which is duly supported by an affidavit, same is allowed and delay of 68 days in filing the present appeal is condoned, subject to all just exceptions.

Main Case

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 20.05.2014, passed by learned Motor Accidents Claims Tribunal,

Rohtak, (for short, 'the Tribunal').

The learned counsel for the appellants contends that the deceased, Harshit was 17 years at the time of accident, therefore, learned Tribunal ought to have applied multiplier of 18 instead of multiplier of 15 in view of the law laid down by Hon'ble the Supreme Court in *Sarla Verma v. DTC (2009) 6 SCC 121*. He further submits that the amount awarded under the conventional heads being on the lower side and deserves to be enhanced.

On the other hand, the learned counsel for respondent No.3 has vehemently opposed the present appeal and states that a just and reasonable compensation has already been awarded to the appellants.

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

It is proved on record that the deceased, Harshit was 17 years of age at the time of his death. As per the law laid down in *Sarla Verma's case (supra)*, the multiplier ought to have been 18 instead of 15, as assessed by the learned Tribunal.

In this way, the amount of compensation under the head of 'loss of dependency' comes to ₹30,000/- X 18 = ₹5,40,000/-, as against an amount of ₹4,50,000/-, assessed by the learned Tribunal under this head.

Furthermore, following the law laid down in *Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776*,

another amount of ₹75,000/- over and above ₹25,000/- awarded by the learned Tribunal towards loss of love and affection and funeral expenses deserved to be allowed to the parents of the deceased, in equal shares.

In view of the above, the claimants are held entitled to the enhanced compensation of ₹1,65,000/- [₹90,000/- (enhancement towards 'loss of dependency') + ₹75,000/- (enhancement towards loss of love and affection and funeral expenses payable to the parents of the deceased, in equal shares)] as indicated above, in the manner prescribed in the impugned award, over and above the amount already awarded by the learned Tribunal, 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.

28.04.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**