**In the High Court of Punjab and Haryana at Chandigarh**

**F.A.O No. 747 of 1991 (O&M)**
**Date of Decision: 03.5.2017**

Mukesh and others ......Appellant

Versus

Ram Singh and others .......Respondents

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. Roopak Bansal, Advocate
for the appellant.

Mr. V.K.Garg, Advocate
for respondent No. 3.

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**ANITA CHAUDHRY, J**

This is the claimants' appeal seeking enhancement in the award dated 21.2.1991 passed by the Motor Accident Claims Tribunal, Sonepat.

The record of this file had been burnt in the fire accident which had taken place in the year 2011. Only the copy of the award and grounds of appeal are available. The counsel appearing for both the parties stated that the matter can be decided on the basis of the award and other available material.

The claim originally had been filed by Kela Devi, her minor son Mukesh and Anathi Devi, mother of the deceased. Kela Devi re-married, her name was struck off. The claim was allowed and the amount was to be shared by the minor and his grand-mother.

Ramesh aged 26 years, father of Mukesh, met with an accident on 12.1.1990. The claimants had pleaded that the deceased was earning

Rs. 1200/- per month as he was working as a Munim at a Bhatha. The Tribunal rejected the oral statement and took the income which a labourer could then earn i.e. Rs. 1,000/- per month and making a deduction of 50%, the calculations were made by applying the different multipliers for the child and for the grandmother. In the case of minor, the multiplier of 16 was applied whereas for the grandmother, multiplier of 10 was applied. The loss was calculated at Rs. 78000/- out of which Rs. 48,000/- was allowed to the minor and Rs. 30,000/- to the grandmother.

The submission on behalf of the appellants is that the multiplier considering the age of the deceased should have been taken into account and no amount had been allowed on the miscellaneous heads. It was urged that some amount should have been allowed for loss of love and affection. The counsel has referred to ***Munna Lal Jain and another versus Vipin Kumar Sharma 2015(3) SCC (Civil) 325*** and urges that addition towards future prospects should also be made.

The submission on the other hand is that the grandmother was not dependent upon the son in the presence of her husband and deduction was rightly made and while making any addition, the price index of 1990 should be considered and not the present times.

I am not inclined to make any addition towards future prospects as the matter with respect to the persons who are self employed or are labourers is under consideration with the larger Bench.

There was no evidence that the deceased was getting any income higher than Rs. 1,000/- per month. The minimum wages in 1990 were Rs. 850/- per month. I would not make any change. Making a deduction of 50% since the child was the only dependent and applying the multiplier of 17, the amount would be Rs. 500 x 12 x 17 = 1,02,000/-. To this, a sum of Rs. 15,000/- should be added for loss of love and affection and Rs. 5,000/- is added for funeral expenses raising the total to Rs. 1,22,000/-. The Tribunal had awarded Rs. 78,000/- which would be deducted and the remaining amount would be paid to Mukesh-son of the deceased with interest @ 6% from January 1992 till realization.

The appeal is partly allowed.

**(ANITA CHAUDHRY)**
**JUDGE**

**May 03, 2017**
**Gurpreet**

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| **Whether speaking/reasoned** | **:** | **Yes** |
| **Whether reportable** | **:** | **No** |