

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2654 of 2000

Date of Decision: September 01, 2017

Shakuntla Devi and others

.....Appellants

versus

Puran Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Varun Issar, Advocate
for the appellants

None for the respondents

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Sudhir Mittal, J. (Oral)

On the last date of hearing, the following order was passed:-

*“Present:-Mr. Varun Issar, Advocate
for the appellants*

None for the respondents

*One last opportunity is granted to the respondents to put in
appearance through counsel.*

In the interest of justice, adjourned to 01.09.2017.”

2. Today also none is present on behalf of the respondents, therefore, I am proceeding to decide this appeal in their absence.

3. This appeal has been filed by the parents and siblings of the deceased Narinder Kumar for enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as “the Tribunal”).

4. The deceased Narinder Kumar was proceeding on a scooter No. CH-01-L-4985 from Derabassi to village Barwala on 22.10.1996 and Mohinder Pal @ Pali was riding pillion. At about 5.20 P.M., when the deceased was near village Bhagwas, a truck No. HR-37-6765 came from the opposite side and hit the scooter by coming on the wrong side of the road. Narinder Kumar died on the spot and Mohinder Pal @ Pali sustained injuries. Hence, the claim petition.

5. Narinder Kumar was unmarried, aged 20 years and was working as a watch maker.

6. The claim petition was resisted by the driver and owner of the truck on the ground that the accident took place because the scooter rider was trying to overtake a truck preceding it and on seeing the offending truck the driver of the scooter lost control, as a result of which the accident took place. Contributory negligence has, thus, been pleaded. The Insurance Company has contested the claim petition *inter alia* on the ground that the driver of the offending vehicle was not having a valid driving licence.

7. Learned Tribunal has found that there was no contributory negligence on the part of Narinder Kumar deceased and that the driver of the offending truck was holding a valid driving licence. The said findings have not been challenged either by the driver/owner of the offending truck or by the Insurance Company. Even counsel representing the said respondents are not present today. Hence, the findings regarding contributory negligence of Narinder Kumar deceased and driver of the offending truck not having a valid driving licence are upheld.

8. Learned counsel for the appellants assails the quantum of compensation awarded by the learned tribunal. It is not in dispute that Narinder Kumar deceased was 20 years of age. Learned Tribunal has assessed his income at ₹ 2500/- per month as against the claim of ₹ 5000/- per month. This finding is not challenged by

learned counsel for the appellants. He claims enhanced compensation on the ground

of future prospects not having been taken into consideration while awarding compensation, wrong multiplier having been applied, incorrect dependency having been granted and that less amount has been awarded for under the usual heads.

9. I agree with the submissions made by learned counsel for the appellants. Placing reliance upon the judgment of *Sarla Verma vs. Delhi Transport, 2009(3) RCR(Civil) 77*, I hold that dependency should have been assessed at 50% and income should have been enhanced keeping in view future prospects. I also hold that multiplier of 18 should have been applied instead of a multiplier of 15, as has been applied by learned Tribunal. Accordingly, compensation is assessed as follows:-

1.	Annual income @ ₹ 2500/- per month	₹ 30,000/-
2.	Increase of 50% in income on account of future prospects	₹ 45,000/-
3.	Deduction of 50% on account of personal expenses	₹ 22,500/-
4.	Annual dependency applying multiplier of 18 as deceased was 20 years of age	₹ 4,05,000/-
5.	Loss of love and affection and Loss of estate	₹ 1,00,000/-
6.	Funeral expenses	₹ 25,000/-
	Total Compensation	₹ 5,30,000/-

10. The appeal is allowed in the above mentioned terms. The enhanced amount of compensation will be paid to the mother of the deceased, namely, Shakuntla Devi, alongwith interest @ 7.5 % per annum from the date of claim petition till the date of payment, within a period of three months, from the date of receipt of the certified copy of this judgment.

September 01, 2017

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No