

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

FAO No.3254 of 2001 (O&M)

Date of Decision: November 17, 2017

Karamjeet and others

...Appellants

Versus

Rattan Singh and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ravinder Malik, Advocate for
Mr. Shish Pal Laler, Advocate for the appellants.

Mr. Sanjiv Pabbi, Advocate for
Insurance Company – respondent No.4.

HARINDER SINGH SIDHU, J.

This is an appeal filed by the claimants for enhancement of compensation awarded in a motor accident case.

On 24.05.1999 at about 7.30 AM Ramesh alias Mahesh (since deceased) was riding on the pillion seat of motorcycle bearing registration No.HRL-4550 driven by Sukhdev Singh. When the motorcycle reached near the premises of M/s Shiv Shanker Rice Mills, a bus bearing registration No.HR-07A-1102 came from the opposite direction, being driven in a rash and negligent manner by Rattan Singh, respondent No.1 and hit the motorcycle. As a result, Sukhdev Singh suffered fracture of left leg, whereas, Ramesh alias Mahesh suffered multiple injuries and succumbed to the same at the spot.

Widow, three minor daughters and parents of the deceased filed claim petition under Section 166 of the Motor Vehicles Act, 1988. The

Tribunal after going through the evidence led before it, assessed the monthly

income of the deceased, who was working as operator of Tube-well boring machine, at Rs.2400/-. It held the loss of dependency at Rs.1600/- per month and applied the multiplier of 16. Besides, it also awarded Rs.2000/-, Rs.2500/- and Rs.5000/- under the heads of 'funeral expenses', 'loss of estate' and 'loss of consortium'. In other words, compensation of Rs.3,16,700/- was awarded along with interest.

Feeling dissatisfied with the quantum of compensation, the claimants have filed the instant appeal.

The cause of accident and the liability to pay the compensation are not in dispute before this Court.

Learned counsel for the claimants has argued that the deceased was aged about 24 years at the time of accident, and thus, the multiplier of 18 was to be applied. It is further argued that in view of the number of dependants, who were six in number, deduction towards the personal living expenses of the deceased should have been 1/4th only and not 1/3rd as done by the Tribunal. Learned counsel has further argued that the Tribunal did not consider increase in income towards future prospects and that compensation awarded under the heads of 'loss of estate', 'loss of consortium' and 'funeral expenses' @ Rs.2500/-, 5000/- and 2000/- is also on the lower side.

Having heard learned counsel for the parties and in view of the judgment dated 31.10.2017 of the Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and others SLP (Civil) 25590 of 2014.**, the claimants are held entitled to the following compensation:-

<i>Sr.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Income (Rs.2400/- per month)	Rs.28,800/- per

