

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

Sr. No.337

**FAO No.1061 of 2004
Date of decision : 15.09.2017**

Smt. Jyoti Handa and another

..... Appellants

VERSUS

Balwinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Satwant Singh Rang, Advocate
for the appellants.

Mr. Paul S. Saini, Advocate with
Mr. Vipul Sharma, Advocate
for respondent No.3-Insurance Company.

SUDHIR MITTAL, J. (Oral)

The claimants, who are the parents of the deceased, are in appeal against the Award dated 27.10.2003 of the learned Motor Accidents Claims Tribunal, Ludhiana.

2. The accident took place on 22.09.2000 in the area of G.T. Road, Mohalla Anandpura, Jalandhar Bye-pass, Ludhiana. The deceased-Rajan Handa was going on Scooter No.PAA-8572 towards Samrala Chowk, Ludhiana. He was hit by a 'Trolla' bearing registration No.HR-37-6145 from behind, as a result of which, he received injuries. He was taken to C.M.C. Hospital, Ludhiana, where he died.

3. The learned Motor Accidents Claims Tribunal, Ludhiana (hereinafter referred to as 'the Tribunal') found that the 'Trolla' was being driven rashly and negligently, as a result of which, the accident was caused.

This finding has not been challenged either by the owner/driver of the offending vehicle or by the insurance company. Therefore, the said finding is affirmed. No cross appeal has been filed for reduction of compensation also.

4. The present appeal seeks enhancement of compensation. It is not in dispute that the deceased was unmarried and was aged 21 years. He was working as a scooter mechanic and the learned Tribunal has assessed his monthly income as ₹3,000/-, which is accepted by the learned counsel for the appellants. Considering the fact that the appellants were the only claimants, a deduction of $\frac{1}{2}$ is to be made on account of personal expenses. In view of the judgment in **Rajesh and others Vs. Rajbir Singh and others, 2013(3) RCR (Civil), 170,** 50% increase on account of future prospects is granted. Since, the deceased was 21 years of age, the learned Tribunal has wrongly applied a multiplier of 15, which is hereby modified as 18. The claimants are also entitled to compensation on account of loss of love and affection and enhancement of funeral expenses. The enhanced compensation is determined, as follows:-

- | | | |
|-----|---|-------------|
| (a) | Annual income (3000x12) | ₹36,000/- |
| (b) | Increase of 50% in income on account of future prospects (36000+18000) | ₹54,000/- |
| (c) | Deduction of $\frac{1}{2}$ on account of personal expenses (54000-27000) | ₹27,000/- |
| (d) | Annual dependency, applying multiplier of 18 as deceased was 21 years of age (27000x18) | ₹4,86,000/- |
| (e) | Lose of love and affection | ₹1,00,000/- |

(f) Funeral expenses	₹25,000/-
(g) Total compensation	₹6,11,000/-

5. The appeal is allowed in the above terms. The enhanced compensation will be payable with interest @ 7.5% per annum from the date of filing of the claim petition till the date of payment. Respondent No.3- New India Assurance Company Limited is directed to make payment within a period of three months from the date of receipt of a certified copy of this judgment.

(SUDHIR MITTAL)
JUDGE

September 15, 2017

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No