

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

Sr. No.335

**FAO No.708 of 2004
Date of decision : 29.09.2017**

Raj Rani and others

..... Appellants

VERSUS

Dyal Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. G.S. Virk, Advocate for
Mr. G.S. Nagra, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate
for respondent No.2-Insurance Company.

SUDHIR MITTAL, J. (Oral)

The claimants are in appeal against the impugned Award passed by the learned Motor Accidents Claims Tribunal, Gurdaspur, (hereinafter referred to as 'the learned Tribunal'), whereby compensation of ₹1,83,600/- has been granted on account of death of Pritam Singh. The claimants are the parents of the deceased and his three minor sisters (who have become major during the pendency of the claim petition before the learned Tribunal).

2. The accident took place on 02.09.1997. The deceased-Pritam Singh and his companions were riding their bi-cycles towards Dina Nagar. When they reached near village Jhande Chak, truck bearing No.PAT-4909 hit the bi-cycle of the deceased. The truck was being driven in a rash and negligent manner because of which the accident took place. Pritam Singh

was taken to the Civil Hospital, but he succumbed to his injuries at the hospital.

3. Learned counsel are 'ad idem' that the dispute is only with regard to the quantum of compensation. Learned counsel for the appellants submits that the deceased-Pritam Singh was 22 years of age and was employed as a workman with a Contractor working for the Health Department. He was un-married. The learned Tribunal has assessed the monthly income of the deceased as ₹2500/-, which is not challenged by the learned counsel for the appellants. His only submission is that the correct multiplier has not been applied and inadequate compensation under the usual heads has been granted by the learned Tribunal.

4. Having heard learned counsel for the parties and after going through the record and following the dictum of 'Sarla Verma Vs. Delhi Transport Corporation, 2009(3) RCR (Civil) 77', the compensation is re-assessed as follows:-

(a)	Annual income (2500x12)	₹30,000/-
(b)	Increase of 50% in income on account of future prospects (30,000+15,000)	₹45,000/-
(c)	Deduction of ½ on account of personal expenses (45,000-22,500)	₹22,500/-
(d)	Annual dependency, applying multiplier of 18 as deceased was 22 years of age (22,500x18)	₹4,05,000/-
(e)	Lose of love and affection	₹1,00,000/-
(f)	Funeral expenses	₹25,000/-
(g)	Loss of estate	₹50,000/-
(h)	Total compensation	₹5,80,000/-

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.2- Insurance Company is directed to make payment within a period of three months from the date of receipt of a certified copy of this judgment. The enhanced compensation will be equally divided amongst the claimants.

(SUDHIR MITTAL)
JUDGE

September 29, 2017

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No