

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

FAO-1526-2011

Date of decision: 07.09.2017

Jasveer Kaur

.... Appellant

Versus

Ramandeep Singh Bains and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Vikram Bali, Advocate
for the appellant.

Mr.Ashwani Talwar, Advocate and
Ms. Priyadeep, Advocate
for respondent No.2.

Avneesh Jhingan, J.

Present appeal has been preferred by the claimant against the award dated 11.01.2010 passed by Motor Accidents Claims Tribunal, Mohali (hereinafter referred to as the 'Tribunal').

The claim petition was filed by the widow of Gurmeet Singh. Gurmeet Singh lost his life as a result of an accident which took place on 09.11.2007 when he was driving his motorcycle bearing registration No.PB-27-B-2217. He was hit by Innova car bearing registration No.CH-03-S-5151.

The Tribunal decided the issue of rash and negligent driving of the car in favour of the claimants. The deceased was aged about 60 years at the time of the accident. He suffered grievous injuries and was hospitalised. Ultimately as a result of injury suffered he died on 17.11.2007.

The Tribunal after considering the witnesses and evidence

produced, awarded a sum of Rs.2,75,000/- along with interest @ 7% per annum.

Aggrieved of the said award, the claimants have filed the present appeal for enhancement of the amount.

I have heard the learned counsel for the parties and have perused the paperbook with their able assistance.

The only issue raised in the present case is that the multiplier has been wrongly applied and lumpsum amount of Rs.9,500/- awarded for the funeral and last rites expenses, loss of estate and loss of consortium is on the lower side. No other issue is involved in this appeal.

Learned counsel for the appellant has argued that deceased was 60 years of age at the time of the accident. The Tribunal erred in applying the multiplier of 6. The counsel further contended that the compensation should have been awarded under the conventional heads, rather than giving a meager amount of Rs.9,500/- as a consolidated amount.

Learned counsel for the respondent argued that no proof of income as claimed in the petition was produced. The deceased was 60 years of age and the claim petition has been filed by widow, amount of Rs.2,75,000/- awarded by the Tribunal is sufficient. No interference is called for.

The Hon'ble Apex Court in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121**, observed as under :-

“21. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas,

Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”
(emphasis supplied)

A perusal of the above said decision of the Hon'ble Apex Court, it is clear that in case of fatal accident where age of the deceased was 60 years, multiplier of 9 should have been applied.

Applying the multiplier of 9, the calculation is made as under:-

1	Monthly salary as assessed by the Tribunal	Rs.4500/-
2	Annual Salary	Rs.54000/-
3	Less 1/3 rd self expenses	Rs.18,000/-
4	Annual dependency	Rs.36000/-
5	Multiplier of 9	Rs.36000x9 =Rs.3,24,000/-

Further, the Tribunal had granted Rs.9,500/- as a consolidated amount under the conventional heads, the amount awarded is on the lower side. Apart from Rs.9,500/- consolidated amount granted by the Tribunal,

further an amount of Rs.25,000/- is awarded for funeral and last rites expenses and Rs.40,000/- is awarded for loss of estate and loss of consortium.

The award dated 11.01.2010 is modified to the extent that the compensation amount awarded of Rs.2,75,000/-is enhanced to Rs.4,38,500/-. The enhanced compensation would be given to the claimants along with 6% interest from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed.

(AVNEESH JHINGAN)
JUDGE

07.09.2017

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Note:

1. Whether the order is speaking/reasoned: Yes
2. Whether the order is reportable : Yes