IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.432 of 2010 (O&M)

Date of decision : 22.03.2017

United India Insurance Company

......Appellant

Versus

Surjit Kaur and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. R.N. Singal, Advocate for appellant.

None for respondent No.1.

Mr. Tapish Gupta, Advocate for
Ms. Pooja Chopra, Advocate for respondent No.2.

Mr. H.S. Tuli, Advocate for
Mr. S.S. Rangi, Advocate for respondent No.3.

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DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-Insurance Company against the award dated 04.11.2009, passed by learned Motor Accidents Claims Tribunal, Patiala (hereinafter called the "Tribunal") in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short – the "Act") vide which respondent No.1-claimant Surjit Kaur has been awarded compensation to the tune of ₹5,44,000/- on account of death of her son Makhan Singh alias Gurvinder Singh, aged about 19 years, in the motor vehicular accident which took place on 24.11.2005.

2. The present appeal has been preferred by United India Insurance Company to assail the quantum of compensation determined by the learned Tribunal.

3. I have heard learned counsel for the parties and have gone through the paper-book carefully.

4. Learned counsel for the appellant-Insurance Company contended that the learned Tribunal has wrongly applied the multiplier of 15 *i.e.* as per the age of the deceased. It should have been applied as per the age of the claimant *i.e.* the mother of the deceased. The claimant was 60 years of age, so the multiplier of 9 should have been applied. He further contended that deceased was a bachelor, so 50% of the income of the deceased should have been deducted towards his living and personal expenses.

5. I have duly considered the aforesaid contentions.

6. The perusal of the impugned award shows that the learned Tribunal has determined the income of the deceased to be ₹5000/- per month. He has deducted ₹2000/- per month towards personal and living expenses of the deceased and ₹3000/- per month was determined to be loss of dependency. The learned Tribunal has applied the multiplier of 15 taking into consideration the age of the deceased who was just 19 years of age as well as the age of the claimant Surjit Kaur his mother.

7. There is no dispute with the proposition of law that in the cases were the parents are the claimants and deceased is a bachelor, 50% of the income of the deceased is to be deducted towards his personal and living

expenses. In the instant case the learned Tribunal has determined the income of the deceased to be ₹5000/- per month which seems to be just and reasonable. The learned Tribunal instead of deducting ₹2500/- per month towards the personal and living expenses of the deceased has deducted ₹2000/- but at the same time the learned Tribunal has applied only the multiplier of 15, but the Hon'ble Apex Court in case ***Munna Lal Jain and another Vs. Vipin Kumar Sharma and others 2015(3) PLR 304*** has applied the multiplier as per the age of the deceased. The deceased in this case was only 19 years of age and as per his age the multiplier of 18 should have been applicable. So, the marginal deficiency in deduction of the personal and living expenses of the deceased has been compensated by applying the less multiplier. The Tribunal has also not awarded any amount of compensation towards loss of love and affection to the claimant.

8. Thus, in these circumstances the compensation determined by the learned Tribunal cannot be stated to be excessive.

9. Resultantly, the impugned award does not call for any interference by this Court.

10. Thus, keeping in view my aforesaid discussion, the present appeal is without any merit and same is hereby dismissed.

22.03.2017 **(DARSHAN SINGH)**
sunil yadav **JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No