

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

FAO No.5750 of 2012

Date of Decision.30.11.2017

Som Nath and another

.....Appellants

Vs

Jaswinder Singh @ Monu and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: None for the appellants.

Mr. R.S. Mamli, Advocate
for respondent No.2.

Mr. Ashwani Talwar, Advocate
for respondent No.3.

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AMIT RAWAL J.(ORAL)

C.M. No.26631-CII of 2012

For the reasons stated in the application, delay of 27 days in
filing the appeal is condoned.

Application is allowed.

FAO No.5750 of 2012

The appeal is preferred by the parents for enhancement of
compensation on account of death of their son-Pardeep aged 25 years, who
unfortunately died in a motor vehicular accident that took place on the
midnight of 19/20.6.2009. He was Driver by profession and stated to be
earning ₹6000/- per month + ₹150/- as daily allowance.

The case set up in the grounds of appeal is that the Tribunal
while awarding a compensation of ₹2,20,000/- took the income of the
deceased as ₹5000/- per month, by making a deduction of 50% towards

personal expenses, applied a multiplier of 7 and granted ₹5000/-, each for loss of estate and funeral expenses. Nothing has been provided towards future prospects, much less, the choice of multiplier as 7 is wrong whereas it should have been 18. The conventional heads of claim are also on lower side, thus, there is scope for enhancement.

On the other hand, learned counsel appearing for the owner i.e. respondent No.2 as well as the insurance company submits that the Tribunal has taken care of all the heads of claim sufficiently, therefore, there is no scope for further enhancement, thus, urges this Court for dismissal of the appeal by upholding the award passed by the Tribunal on quantum.

I have heard learned counsel for the parties and appraised the paper book. In the absence of any documentary proof, I will retain the income of the deceased as ₹5000/- per month. However, I will provide 40% increase on the same towards future prospects, make a deduction of 50% and adopt a multiplier of 18 to assess the loss of dependency as ₹7,56,000/-. I will further add to it ₹15,000/- towards loss of estate and ₹15,000/- towards funeral expenses.

In all, the compensation payable shall be ₹7,86,000/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @6% from the date of filing of the appeal till its realization. The enhanced amount shall be distributed equally between the claimants.

In view of my finding rendered in the connected appeals preferred by the insurance company, the liability to pay the compensation shall be on the insurance company, however, it shall have recovery rights against the owner and driver after satisfaction of the award.

The award passed by the Tribunal is modified and the appeal is allowed to the above extent.

(AMIT RAWAL)
JUDGE

November 30, 2017
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No