**In the High Court of Punjab and Haryana at Chandigarh**

**FAO-1561 of 2014(O&M)**
**Date of Decision:4.8.2017**

**Smt. Mamkaur and another**

**---Appellants**

**vs.**

**Surjit Singh and others**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

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**Present:** Mr. Naren Partap Singh, Advocate for the appellants

Mr. Vinod Chaudhari, Advocate for respondent No. 3

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**Rekha Mittal, J.**

The claimants are in appeal seeking enhancement of compensation in regard to death of Surender @ Sonu in a motor vehicular accident that took place on 9.10.2011.

The Motor Accidents Claims Tribunal, Bhiwani (in short "the Tribunal") assessed income of the deceased at Rs. 4926/-, deducted 50% towards personal expenses and adopted a multiplier of 11 in view of age of parents of the deceased to compute loss of dependency at Rs. 3,25,116/-. In addition, an amount of Rs. 5000/- for transportation and funeral expenses has been awarded making total compensation to Rs. 3,30,116/- payable with interest @ 6% per annum from the date of petition till realization.

Counsel for the appellants has submitted that multiplier adopted by the Tribunal is not in consonance with judgments of Hon'ble the Supreme Court of India **Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298** and **Munna Lal Jain vs. Vipin Kumar Sharma 2015(3) RCR(Civil) 447.** It is further argued that as the deceased was 28 years old, admissible multiplier would be 17 in place of 11.

Another submission made by counsel is that the Tribunal has not extended benefit of increase in income for future prospects to the extent of 50% in the light of judgment of Hon'ble the Supreme Court of India ***Rajesh and others vs. Rajbir Singh and others 2013(3) RCR(Civil) 170***. Compensation awarded under conventional heads needs re-look and enhancement.

Counsel representing the insurance company, on the other hand, would urge that the Tribunal has rightly allowed multiplier of 11 in view of age of parents of the deceased. The claimants are not entitled to increase in income for future prospects as the matter with regard thereto is pending consideration before a Larger Bench of Hon'ble the Supreme Court of India in view of reference made in **National Insurance Company Limited vs. Pushpa and others** (Special Leave to Appeal (Civil) 8058 of 2014).

I have heard counsel for the parties, perused the paper book particularly the award dated 7.8.2013.

The deceased was 28 years old and unmarried at the time of his unfortunate death on 9.10.2011. Hon'ble the Supreme Court of India in **Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298** in its effort to bring uniformity in computing compensation has laid down certain principles with regard to multiplier, deduction and advantage qua future prospects in the case of a regular employee. The Apex Court also dealt with the question of deduction to be made in case the deceased happens to be an unmarried person. Taking into consideration the observation/ratio in **Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298** and **Munna Lal Jain vs. Vipin Kumar Sharma 2015(3) RCR(Civil) 447,** multiplier admissible in the case of an unmarried person is as per age of the deceased and not age of the claimants. That being so, admissible multiplier would be 17 as the deceased was 28 years old.

The Tribunal assessed income of the deceased at Rs. 4926/- per month on the basis of minimum wage of an unskilled worker fixed by the Government of Haryana available in the year 2011. There is nothing on record suggestive of the fact that the deceased had any disability to work to the best of his ability and earn livelihood for himself and his family. The deceased would not have stagnated at monthly income of Rs. 4926/-, had he remained alive. The mere fact that a reference is pending before a Larger Bench of Hon'ble the Supreme Court of India qua future prospects is not sufficient to deny the said benefit till the judgment in ***Rajesh and others' case (supra)*** is varied or set aside. After adopting a multiplier of 17 and extending benefit of future prospects to the extent of 50%, loss of dependency comes to Rs.4926 x 12 x 17= 10,04,904 + 5,02,452 (50%) = 15,07,356 - 7,53, 678 = **Rs.7, 53,678/-**.

Under conventional heads, the appellants shall be entitled to an amount of **Rs. 25,000/-** for expenses on funeral, **Rs. 25,000/-** for loss of estate and an amount of **Rs. 50,000/-** for loss of love and affection to the mother. In view of the above, total compensation comes to **Rs.8,53,678/-** and additional amount is **Rs. 5,23,562/-**. The additional amount shall carry interest @ 7.5% per annum from the date of petition till realization, payable exclusively to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

**(Rekha Mittal)**
**Judge**

**4.8.2017**
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No