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

FAO No.1528 of 2015(O&M)

Date of decision: 19.9.2017

United India Insurance Co. Ltd. …..Appellant

VERSUS

Parkash Kaur and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. D.P. Gupta, Advocate for the appellant.

Ms. Amandeep Kaur, Advocate for respondent Nos.1 and 2.

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REKHA MITTAL, J.

United India Insurance Company Ltd. (in short 'the Company') has assailed the award dated 06.10.2014 passed by the Motor Accidents Claims Tribunal, S.A.S. Nagar (Mohali) whereby compensation has been awarded in regard to death of Bahadur Singh, a Police Constable, in a motor vehicular accident that took place on 02.06.2013.

The Tribunal awarded compensation to the tune of Rs.48,80,400/-, detailed hereunder:-

Date of accident	02.06.2013	
Age of the deceased	24 years	
Claimants:	1.Parkash Kaur, mother 2. Ram Ji Dass, father	
Sr. No.	**Heads of claim**	**Tribunal (amount in Rs.)**
1.	Income (annual)	3,57,804/-
2.	Add 50% increase	1,78,902/- = 5,36,706
3.	Deduction 1/2 (one-half)	2,68,353 = 2,68,353/-
4.	Multiplicand (annualized)	24 years

5.	Multiplier	18
6.	Loss of dependence	48,30,354/-
7.	Loss to estate	25,000/-
8.	Funeral expenses	25,000/-
9.	**Total**	**48,80,354/-**
10.	**Rounded off**	**48,80,400/-**

The sole submission made by counsel for the Company to challenge quantum of compensation assessed by the Tribunal is that the Tribunal has applied multiplier of 18 on the basis of age of deceased in place of an appropriate multiplier of 11 in the light of age of parents of the deceased who staked their claim for compensation as the deceased was unmarried, aged about 24 years. In support of his contention, he has relied upon judgment of Hon'ble the Supreme Court **New India Assurance Co. Ltd. Vs. Shanti Pathak (Smt) and others, (2007) 10 Supreme Court Cases 1**.

Counsel for the claimants, on the contrary, would urge that since the deceased was 24 years old, multiplier applied by the Tribunal is fully justified in view of the principle laid down in judgment of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77**.

The crucial question for adjudication is whether the Tribunal was required to adopt a multiplier in view of age of the deceased or as per age of parents as the deceased was their unmarried son.

Hon'ble the Apex Court in **New India Assurance Company Limited's case** (supra), allowed multiplier of 5 considering that mother of the deceased was about 65 years at the time of accident and age of father was more than 65 years. However, Hon'ble the Supreme Court in an effort to bring firmness and fairness in the decision-making process and the decisions put its best efforts to lay down certain principles in regard to multiplier to be adopted, deduction to be made in regard to personal and living expenses and benefit of future prospects to be allowed for computation of compensation etc. and has held in **Smt. Sarla Verma's case** (supra) that when the deceased is between the age bracket of 15-25, multiplier of 18 should be applied. In this case, the Apex Court while dealing with the question of deduction for personal and living expenses adverted to the question of deduction towards personal expenses in case the deceased happens to be bachelor and held that ½ of the income is to be deducted towards personal and living expenses of the deceased if the deceased was a bachelor. In this judgment, Hon'ble Court has also referred to earlier judgment of the Apex Court **U.P. State Road Transport Corporation v. Trilok Chandra, 1996 (4) SC 362**, wherein Hon'ble the Supreme Court has held that age of the parents is also to be taken into consideration for adopting multiplier in case the deceased happens to be a bachelor. The multiplier held to be admissible in view of judgment in **Sarla Verma's case** (supra) was affirmed in a recent decision of Hon'ble the Supreme Court in **Reshma Kumari and others v. Madan Mohan and another, 2013 (2) R.C.R. (Civil) 660**. In **Reshma Kumari's case** (supra), the multiplier adopted in **New India Assurance Company Limited's case** (supra), in view of age of parents of the deceased was noticed but the Court affirmed the multiplier laid down in **Sarla Verma's case** (supra) as a matter of principle.

Keeping in view authoritative enunciation of law laid down in **Sarla Verma's case** (supra) and **Reshma Kumari's case** (supra), I find it difficult to accept contention of the appellant that the multiplier adopted by the Tribunal in the light of age of the deceased is wrong or the same is liable to be reduced keeping in view age of parents of the deceased.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

SEPTEMBER 19, 2017 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no