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

FAO No.2988 of 2015 (O&M)
Date of Decision: August 29, 2017

Sheela Devi and another ...Appellants

Versus

Sushil Bawaniwale and another ...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Gaurav Aggarwal, Advocate for the appellants.

Mr.Amit Kundra, Advocate for Insurance Company – respondent No.2.

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HARINDER SINGH SIDHU, J.

Sheela Devi and Gian Chand – the appellants lost their son Deepak Kumar, aged 36 years in a vehicular accident on 12.10.2012, which occurred in the area of Police Station Kot Dharmu, District Mansa (Punjab).

They filed claim petition under Section 166 of the Motor Vehicles Act, 1988 before the Motor Accident Claims Tribunal, Sirsa (for short 'the Tribunal'). Upon appreciation of evidence brought on record by the parties, the Tribunal assessed the income of the deceased at Rs.6000/- per month, deducted ½ towards his personal living expenses, applied multiplier of 9 *(though inadvertently mentioned in the table as '13')* and awarded compensation as under:-

Sr.No.	***Heads***	***Calculation***
(i)	*Income*	*Rs.6,000/-*
(ii)	*50% of above (i) to be added as future*	*Rs.6000+3000 =*

	prospects	*9000/-*
(iii)	*½ of (ii) deducted as personal expenses of the deceased (unmarried)*	*Rs.9000-4500 = 4500/- per month*
(iv)	*Compensation after multiplier of 13 is applied*	*Rs.4500x12x9 = 4,86,000/-*
(v)	*Love and affection*	*Rs.50,000/-*
(vi)	*Funeral Expenses*	*Rs.25,000/-*
	Total Compensation Awarded	***Rs.5,61,000/-***

Feeling dissatisfied with the quantum of compensation, the claimants have filed the instant appeal.

The factum of accident, involvement of the vehicle, loss of income and dependency are not in dispute.

Ld. Counsel for the claimants has raised three contentions – (i) the multiplier of '9' as applied by the Tribunal needs to be replaced by '15' in view of the settled law; (ii) the amount under the head of 'love and affection' is on lower side and (iii) no amount has been awarded towards 'loss of estate'.

Having heard Ld. Counsel for the parties and going through the paper-book with their assistance, I find merit in the submissions made on behalf of the claimants/ appellants.

In view of the decisions of Hon'ble the Supreme Court in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and Anr**, *2009(6) SCC 121*, **National Insurance Company Ltd. Vs. Gurumallamma and another** *2009 (16) SCC 43,* **Asha Verman and others vs. Maharaj Singh and others,** *2015(11) SCC 389,* **Kalpanaraj and others vs. Tamil Nadu State Transport Corporation,** *2015(2) SCC*

764 and **Kala Devi and others vs. Bhagwan Das Chauhan and others,** *2015(2) SCC 771* etc., the claimants are held entitled to the following compensation:-

Sr.No.	***Heads***	***Calculation***
(i)	*Income*	*Rs.6,000/-*
(ii)	*50% of above (i) to be added as future prospects*	*Rs.6000+3000 = 9000/-*
(iii)	*½ of (ii) deducted as personal expenses of the deceased (unmarried)*	*Rs.9000-4500 = 4500/- per month*
(iv)	*Compensation after multiplier of 15 is applied (deceased aged 36 years)*	*Rs.4500x15x9 = 8,10,000/-*
(v)	*Loss of Love and affection*	*Rs.1,00,000/-*
(vi)	*Loss of Estate*	*Rs.1,00,000/-*
(vii)	*Funeral Expenses*	*Rs.25,000/-*
	Total	***Rs.10,35,000/-***

Accordingly, the appeal is allowed and the Award of the Tribunal is modified to the extent that the appellants are held entitled to total compensation of Rs.10,35,000/-, that is, Rs.4,74,000/- (1035000-561000) over and above the amount awarded by the Tribunal. Interest shall be paid on the enhanced amount at the rate of 7.5% per annum from the date of filing of claim application till realisation.

August 29, 2017

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes / No
Whether Reportable	Yes / No