

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

**FAO No. 3695 of 2015**  
**Date of Decision:1.8.2017**

**Kashmiri and another**

**---Appellants**

**vs.**

**Vinod Kumar and others**

**---Respondents**

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

**\*\*\***

**Present:** Mr. B.S.Tewatia, Advocate  
for the appellants

Mr. Ravinder Arora, Advocate  
for the insurance company

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**Rekha Mittal, J.**

The claimants are in appeal seeking enhancement of compensation in regard to death of Kuldeep aged 23 years in a motor vehicular accident that took place on 25.12.2013.

The Motor Accidents Claims Tribunal, Palwal (in short “the Tribunal”) assessed income of the deceased at Rs. 5000/- per month, deducted 50% for personal expenses, added 30% for future prospects and applied a multiplier of 11 to compute loss of dependency to the extent of Rs. 4,29,000/-. In addition, they are awarded an amount of Rs. 10,000/- for funeral expenses and Rs. 1,00,000/- for loss of love and affection to the

mother making total compensation to Rs. 5,39,000/- payable with interest at the rate of 7.5% per annum.

Counsel for the appellants has submitted that in view of age of the deceased, appropriate multiplier would be 18 and future prospects to the extent of 50%. Compensation awarded under conventional heads needs re-look and enhancement.

Counsel representing the insurance company has supported the award with the submission that adequate compensation has been awarded by the Tribunal.

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

There is no dispute that the deceased was 23 years old and claimants are his unfortunate parents. Taking a clue from judgments of Hon'ble the Supreme Court of India **Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298** and **Muna Lal Jain vs. Vipin Kumar Sharma 2015(3) RCR(Civil) 447**, admissible multiplier would be 18 in place of 11. The appellants shall be entitled to increase in income for future prospects to the extent of 50% instead of 30% as the deceased was less than 40 years of age. In this manner, loss of dependency comes to Rs.  $3750 \times 12 \times 18 =$  **Rs.8,10,000/-**.

The appellants shall be entitled to an amount of **Rs. 25,000/-** for expenses on funeral. They are awarded **Rs. 25,000/-** for loss of estate. An amount of Rs. 1,00,000/- for loss of love and affection is affirmed. In this manner, total compensation comes to **Rs. 9,60,000/-** and the additional amount is **Rs. 4,21,000/-**. The additional amount shall carry interest at the

rate of 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

1.8.2017  
paramjit

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