

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 19.07.2017****FAO No.4721 of 2015**

Nihal Singh & others

...Appellant

Vs.

Chhota Ram & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Abhinav Kalia, Advocate, for the appellant.

Mr. Neeraj Khanna, Advocate, for respondent 3.

RAJIV NARAIN RAINA, J. (ORAL)

This is an appeal preferred by the claimants, whose bread earner unfortunately died at a young age on account of fatal injuries suffered in a motor accident, for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Panipat (for short 'the Tribunal') in Claim Petition No.57 of 2013 presented under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') vide award dated 12.02.2015.

The total compensation of ₹10,97,932/- has been awarded. Out of the said compensation amount, the parents of the deceased have got ₹2,50,000/- each while the widow – Poonam Devi takes the remaining amount i.e. ₹5,97,932/-. The age of the deceased Bhupinder Singh was 26 and, therefore, the Tribunal has correctly applied the multiplier of 17 in view of Sarla Verma (Smt.) & others Vs. Delhi Transport Corporation & another, (2009) 6 SCC 121. The monthly income has been assessed at ₹8000/-, per

month which is reasonable and no change deserves to be made on that amount.

The deceased left behind three dependents and, therefore, cut of 1/3rd from income has been made for amount required to maintain himself to be deducted from the annual income. Accordingly, the dependency comes to ₹5333/- and the compensation is worked out accordingly. Having considered the facts and circumstances of the case, I am of the considered view that the award insofar it is for determining dependency requires no interference in appeal.

However, apart from the above, I find that under conventional heads either no money or very little has been awarded.

Having heard learned counsel for the parties, I would partly allow this appeal and award in addition to the amount awarded, ₹1 lakh to the parents for loss of love & affection; ₹1 lakh as consortium to the widow. The Tribunal has awarded ₹10,000/- as compensation for transportation of the dead body and expenses for funeral and performing the last rites which is wholly inadequate. The claimants are entitled to ₹25,000/- towards funeral expenses and ₹5000/- towards transportation and sundry charges of the dead body.

Thus, the total compensation payable shall be ₹13,17,932/-. The amount in excess, over what has already been granted by the Tribunal with interest shall attract interest @ 7.5 % p.a. from the date of filing of petition till the final realization of the amount. The liability insurer *inter se* claimants shall remain the same as determined by the learned Motor Accidents Claim Tribunal.

Accordingly, the present appeal is partly allowed with the
aforesaid modification of the award.

19.07.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>