IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5391 of 2015 (O&M)
Date of decision: 13.11.2017

Ranjit Kaur and another .... Appellants

Versus

Darshan Singh and another ..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. A.S.Barnala, Advocate
for the appellants.

Mr. Ajay Singh, Advocate for
Mr. Bhag Singh, Advocate
for the respondents.

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Avneesh Jhingan, J.

The present appeal has been filed against the award dated 23.03.2015 passed by Motor Accidents Claims Tribunal, Barnala (hereinafter referred to as the 'Tribunal').

Two issues raised in the present appeal filed by the parents of the deceased are that the dependency has been wrongly calculated at Rs.1500/- per month when the income of the deceased was assessed at Rs.6,000/-. Secondly, the amount of Rs,10,000/- awarded for funeral expenses is on the lower side and no amount has been awarded for loss of estate.

Both issues are squarely covered by the decision of Hon'ble Apex Court in ***Smt. Sarla Verma and others vs. Delhi Transport***

Corporation and another, (2009) 6 SCC 121.

Further, the Hon'ble Apex Court in ***National Insurance Company Ltd. vs. Pranay Sethi and Ors. in SLP (Civil) No.25590 of 2014 decided on 31.10.2017*** has held that Rs.15,000/- is to be awarded for funeral expenses and Rs.15,000/- is to be awarded for loss of estate.

The brief facts necessary for adjudication of the present appeal are that Avtar Singh @ Sony, aged 25 years, lost his life in a motor vehicular accident, that occurred on 09.12.2013. He was going on his motorcycle bearing registration No.PB-10BM/7363 and his motorcycle was hit by rashly and negligently driven Bus Swraj bearing registration No.PB-31-H/9118 (for short, 'the offending vehicle').

The parents of the deceased filed the claim petition under Section 166 of the Motor Vehicles Act, 1988.

The Tribunal after considering the material produced before it, awarded a sum of Rs.3,34,000/- along with interest @ 9% per annum. It may be mentioned here that the amount awarded included a sum of Rs.10,000/- for funeral expenses.

I have heard the learned counsel for the parties and perused the paper-book.

The involvement and rash and negligent driving of the offending vehicle has not been challenged. There is no challenge to the monthly income of the deceased assessed by the Tribunal. The Tribunal assessed the monthly income of Rs.6,000/- per month and thereafter, assessed the loss of dependency as Rs.1500/-per month and applied the multiplier of 18. Even the multiplier applied has not been disputed.

The Hon'ble Apex Court in ***Sarla Verma's case Supra*** has held that in case of unmarried person, deduction of 50% should be made for self expenses. In this case following the decision of the Hon'ble Apex Court in the calculation of loss of dependency is made as under:-

Annual income	Rs.72,000/-
50% deduction for self expenses	Rs.36,000/-
Applying multiplier of 18	Rs.36,000X18=Rs.6,48,000/-

The Tribunal has only awarded a sum of Rs.10,000/- for last rites and has not awarded for loss of estate.

Keeping in view the decision the Hon'ble Apex Court in ***National Insurance Company Ltd.'s case (Supra)***, the amount Rs.30,000/- (i.e. For funeral expenses and loss of estate) is awarded to the appellant.

The award dated 23.03.2015 is modified to the extent that the amount awarded by the Tribunal of Rs.3,34,000/- is enhanced to Rs.6,78,000/-.

The claimants shall be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

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1.Whether the order is speaking/reasoned: Yes/No
2.Whether the order is reportable : Yes/No