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

**FAO No.8174 of 2014 (O&M)
Date of Decision: 25.07.2017**

REKHA RANI & ANR

.....Petitioners

Vs

JEEWAN LAL @ SARJIVAN LAL & ORS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Nitin Gupta Advocate
for the petitioners.

Mr. Rajbir Singh, Advocate for
Mr. Sanjeev Goyal, Advocate
for respondent No.3.

RAJ MOHAN SINGH, J. (Oral)

CM No.22182-CII of 2017

For the reasons mentioned in the application, delay of
67 days in filing the present appeal is condoned.

Application stands disposed of.

FAO No.8174 of 2014

[1]. This is an appeal preferred by the claimants for
enhancement of compensation awarded by the Motor Accident
Claims Tribunal, Ambala (hereinafter to be referred as 'the
Tribunal').

[2]. Brief facts are that the in a case of death of Deepak Kumar in a vehicular accident, the Tribunal awarded an amount of Rs.8,65,000/- along with interest @ 7.5% per annum from the date of filing of the claim petition till realization of the amount. During course of the arguments before the Tribunal, it was found that the deceased was a student and was earning from his own sources. His income was assessed to be Rs.10,000/- per month. Being an unmarried, a deduction to the tune of 50% was made towards his personal expenses and dependency of the claimants was assessed to be Rs.5,000/- per month and Rs.60,000/- per annum. A multiplier of 14 was applied keeping in view the age of the claimants.

[3]. After hearing learned counsel for the parties, I am of the view that the multiplier applied by the Tribunal was on wrong premise. In view of ratio laid down in **Munna Lal Jain and another vs. Vipin Kumar Sharma and others, 2015(3) PLR 304** in case of death of a bachelor, the age of the deceased is the relevant factor for applying the multiplier. The age of the deceased was 20 years at the time of accident. Therefore, in view of ratio laid down in **Sarla Verma vs. Delhi Transportation Corporation, 2009 ACJ 1298 (SC)** on the basis of age of the deceased, multiplier of 18 is to be applied.

[4]. In this way assessment towards dependency comes out

to be Rs.10,80,000/- (60,000 x 18). In view of **Vimal Kanwar and others vs. Kishore Dan and others, 2013(2) RCR (Civil) 945** and **Kishan Gopal vs. Lala (2014) 1 SCC 244** an amount of Rs.1,00,000/- can be assessed towards loss of love and affection and Rs.25,000/- towards funeral expenses. In this way, total amount of compensation can be computed as Rs. 12,05,000/- (10,80,000 + 1,00,000 + 25,000) payable to the claimants.

[5]. An award of Rs.8,65,000/- has already been made by the Tribunal, therefore, the claimants are held entitled to the enhanced amount of Rs.3,40,000/- (12,05,000-8,65,000) along with interest @ 7.5% from the date of filing of the claim petition till final realization of the amount.

[6]. In view of aforesaid modification, the present appeal stands disposed of.

July 25, 2017

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No