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

FAO No.6617 of 2015(O&M)
Date of decision: 28.8.2017

Tarlok Singh and others …..Appellants

VERSUS

Labh Singh and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vishal Goel, Advocate for the appellants.

Mr. Sanjeev Kumar, Advocate for
Mr. Prashant Bansal, Advocate for respondent No.1 and 2.

Mr. Naveen Sharma, Advocate for
Mr. V. Ramswaroop, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Patiala (in short 'the Tribunal') in regard to death of Harmeet Singh in a motor vehicular accident that took place on 03.02.2014.

The sole submission made by counsel for the appellants/claimants is that the Tribunal has assessed loss of dependency by adopting multiplier of 9 as per age of parents of the deceased in place of an appropriate multiplier on the basis of age of the deceased who was 22 years old at the time of occurrence.

Counsel representing both the sets of respondents would support the award with the submission that the Tribunal has assessed adequate compensation.

I have heard counsel for the parties, perused the paper-book particularly the award dated 06.05.2015 passed by the Tribunal.

The contentions raised by counsel for the appellants that admissible multiplier in the circumstances of the present case should be 18 gets substantiated from the enunciation laid down by Hon'ble the Supreme Court in **Smt. Sarla Verma and others versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77** and **Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447**.

As annual income of the deceased was more than Rs.2,50,000/- i.e. Rs.2,63,856/-, for the assessment year 2014-15, his liability to pay income tax at the rate of 10% on an amount of Rs.13,856/- shall be Rs.1386/-. After deducting income tax, annual income of the deceased comes to Rs.2,62,470/-. After applying multiplier of 18, loss of dependency comes to Rs.47,24,460/- (Rs.2,62,470/- x 18).

Under conventional heads, an amount of Rs.1,00,000/- towards loss of love and affection and Rs.25,000/- for funeral expenses awarded by the Tribunal is affirmed.

In view of the above, total compensation comes to Rs.48,49,460/- and enhanced compensation is Rs.23,49,756/- (Rs.48,49,460/- - Rs.24,99,704/-), which shall carry interest at the rate of 7.5% per annum from the date of petition till realization, exclusively payable to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

AUGUST 28, 2017 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no