

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

**FAO No.8755 of 2014 (O&M)
Date of Decision: 15.12.2017**

Ram Pyari and another

...Appellant(s)

Versus

Sombir @ Mintu and others

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. J.P. Sharma, Advocate
for the appellants.

Mr. V.K. Garg, Advocate
for respondent No.3.

ANITA CHAUDHRY, J.

It is the claimants appeal for enhancement.

Rajesh met with an accident on 26.08.2009. He was 22 years old. It was claimed that he was earning Rs.10,000/- per month. The claimants could not lead evidence with respect to his income. The minimum wages were considered and income of Rs.4200/- was assessed and as he was a Bachelor, a deduction of ½ was made and the multiplier considering the age of the parents which was 14 was applied.

The submission on behalf of the appellants is two fold firstly that there should be addition towards future prospects and the multiplier should be as per the age of the deceased.

In '***National Insurance Company Ltd. Vs. Pranay Sethi
and others (SLP (Civil) No.25590 of 2014)***', the issue regarding

addition of future prospects stands settled. As regards the multiplier is concerned, the Three Judges Bench in '**New India Assurance Company Ltd. Vs. Shanti Pathak and others, 2007(3) R.C.R. (Civil) 593**' decided on 10.07.2007' and in '**Shakit Devi Vs. New India Insurance Company Ltd. and another**' had held that the age of the claimant would be relevant and not the age of the deceased, therefore, the multiplier was correctly applied.

Adding the increase of 40% to Rs.4200, the increase would be Rs.1680/- and the total income would come to Rs.5880/-. Deducting $\frac{1}{2}$ for personal expenses, the compensation would be $2940 \times 12 \times 14 = \text{Rs.}4,93,920/-$. Adding Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate, the total compensation would come to Rs.5,23,920/-. I would add another Rs.10,000/- for transportation as the accident had taken place in Hisar, the claimants are resident of Bhiwani. The total compensation payable would be Rs.5,33,920/-. The amount awarded by the Tribunal would be deducted and the remaining amount would be payable with interest @6% from the date of filing of appeal.

The appeal is partly allowed.

December 15, 2017

ps-l

**(ANITA CHAUDHRY)
JUDGE**

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No