

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

FAO No.228 of 2003(O&M)

Date of decision: 21.5.2018

Gian Singh and anotherAppellants

VERSUS

Suresh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: None for the appellants.

Ms. Monika, Advocate for
Mr. Jagdish Manchanda, Advocate for respondent No.2.

Mr. V.K. Garg, 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, Kurukshetra (in short 'the Tribunal') on account of death of Baljinder Singh in a motor vehicular accident that took place on 17.08.1999.

The Tribunal has awarded compensation to the tune of Rs.1,40,000/- detailed hereunder:-

Monthly loss of dependency	Rs.700/-
Multiplier	16
Loss of dependency	Rs.1,34,400/-
Funeral expenses	Rs.3,000/-
Expenses on transportation	Rs.2600/-

As per plea of the claimants, the deceased was 20 years old unmarried boy earning Rs.5,000/- per month. There is no clear evidence

adduced by the claimants with regard to avocation and income of the deceased. Taking a clue from the minimum wage available at the relevant time, income of the deceased is assessed at Rs.2,000/- per month. The claimants shall be entitled to benefit of addition in income for future prospects at the rate of 40%. Admissible multiplier is 18 in the light of judgments of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77, Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447** and **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.** Deduction for personal expenses would be 50%. In this manner, loss of dependency comes to Rs.3,02,400/- [Rs.4,32,000/- (Rs.2000 x 12 x 18) + Rs.1,72,800/- (40% future prospects) – Rs.3,02,400/- (50% deduction towards personal expenses)].

Under conventional heads, claimants shall be entitled to Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss of estate.

In view of the above, total compensation comes to Rs.3,32,400/- and additional amount is Rs.1,92,400/- (Rs.3,32,400/- - Rs.1,40,000/-) , payable with interest at the rate of 6% per annum from the date of petition till realization to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

MAY 21, 2018
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no