

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

FAO No.2643 of 1999(O&M)

Date of decision: 21.5.2018

Manju and anotherAppellants

VERSUS

Davinder Kumar and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. H.S. Jugait, Advocate for the appellants.

Mr. Ravi Verma, Advocate for respondent No.1.

Mr. Sukhdarshan Singh, Advocate for
Mr. Rajesh Verma, Advocate for respondents No.3 and 5.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhari (in short 'the Tribunal') on account of death of Sunil Kumar in a motor vehicular accident that took place on 06.11.1995.

The Tribunal has awarded compensation to the tune of Rs.80,000/- detailed hereunder:-

Monthly income of the deceased	Rs.2000/-
Deduction for personal expenses	1/3 rd
Split multiplier	8
Loss of dependency	Rs.78,000/-
Funeral expenses	Rs.2,000/-

The deceased was 23 years old unmarried son of claimants Manju and Ram Singh. Claimants shall be entitled to benefit of addition in income for future prospects at the rate of 40%. Admissible multiplier for computing loss of dependency 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.** The Tribunal has allowed deduction for personal expenses to 1/3rd but the same would be 50% in the light of judgment **Smt. Sarla Verma and others case** (supra). 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.2,52,400/- (Rs.3,32,400/- - Rs.80,000/-) , 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