

FAO-1476 of 2001(O&M)
Date of Decision: 9.1.2018

Smt. Tara Wati and another

---Appellants

versus

Hakam Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. A.S.Sandhu, Advocate
for the appellants
Ms. Monika Jangra. Advocate,
for Mr. Ravinder Arora, Advocate
for the insurance company

Rekha Mittal, J.

The unfortunate parents of deceased Jaswinder Singh are in appeal seeking enhancement of compensation on account of death of their son in a motor vehicular accident that took place on 19.4.1998.

The Motor Accidents Claims Tribunal, Ambala (in short “the Tribunal”) assessed compensation to the tune of Rs. 1,15,200/-, detailed hereunder:-

Monthly income of the deceased	Rs. 2000/-
Monthly loss of dependency	Rs. 600/-
Multiplier	16
Loss of dependency	600 x 12 x 16= 1,15,200

Counsel for the appellants would urge that the deceased was 22 years unmarried son of the claimants, therefore, appropriate multiplier would be 18. The Tribunal has wrongly assessed loss of dependency at the rate of 600/- per month in place of Rs. 1000/- per month. Claimants are entitled to increase in income for future prospects to the extent of 40% .

Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company, on the contrary, has supported assessment made by the Tribunal.

There is no challenge to findings of the Tribunal assessing income of the deceased at Rs. 2000/- per month and the same is affirmed. Taking into consideration the ratio laid down in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298** and **Munna Lal Jain vs. Vipin Kumar Sharma 2015(3) RCR(Civil) 447** admissible multiplier would be 18. Claimants shall be entitled to increase in income for future prospects to the extent of 40% in the light of **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270**. In this manner, loss of dependency comes to Rs. $2000 \times 12 \times 18 = 4,32,000 + 1,72,800 (40\%) = 6,04,800 - 3,02,400 (50\%) = \text{Rs. } 3,02,400/-$.

Under conventional heads, claimants shall be entitled to a sum of **Rs. 10,000/-** for expenses on funeral and **Rs. 10,000/-** for loss of estate.

The total compensation comes to Rs. 3,22,400/- and the additional amount is Rs. 2,07,200/- ($3,22,400 - 1,15,200$), payable with interest at the rate of 7.5% per annum from the date of petition till realization to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

9.1.2018

PARAMJIT	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No