

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

FAO-1302-2004 (O&M)
Date of decision: 15.01.2018

Khazani Devi and another

.... Appellants

Versus

Ved Pal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Amit Kumar Jain, Advocate
for the appellants.

Mr. Ayuwan Singh, AAG, Haryana.

Mr.R.N.Singal, Advocate
for respondent No.4.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 18.10.2003 passed by Motor Accidents Claims Tribunal, Jind (hereinafter referred to as 'Tribunal').

The record of this case was burnt and has been reconstructed from the salvaged record and copies supplied by counsels, subject to all just exceptions.

Mange Ram, aged 54 years, lost his life in a motor vehicular accident that occurred on 15.10.2000. He was travelling in Haryana Roadways Bus bearing registration No.HR-46A-1227. The said bus was being driven rashly and negligently and as a result it struck a truck bearing registration No.HR-38B-1011. The deceased was employed with Haryana Roadways as a

Booking Clerk.

The widow and a major son of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act').

The Tribunal awarded a sum of Rs.2,28,000/- along with interest @ 9% per annum.

The present appeal has been filed against the award for enhancement of compensation.

No dispute has been raised with regard to the monthly income of the deceased as Rs.4,628/- and ½ deduction made for self expenses.

The grievance raised is that multiplier of 8 has wrongly been applied by the Tribunal whereas multiplier 11 should have been applied. It has been argued that the amounts awarded for loss of consortium and funeral expenses are on the lower side. No amount has been awarded for loss of estate. The Tribunal while calculating the compensation has not added future prospects.

The contentions raised by learned counsel for the appellants deserve acceptance in view of the law laid down by the Hon'ble Apex Court in case **Sarla Verma and others vs. Delhi Transport Corporation and another, 2009(3) R.C.R. (Civil) 77** and **National Insurance Company Ltd. vs. Pranay Sethi and Ors. in SLP (Civil) No.25590 of 2014 decided on 31.10.2017.**

The deceased was 54 years of age and hence multiplier of 11 should have been applied.

In **National Insurance Company Ltd.'s case (supra)**, it has been held that where the deceased was in the age group of 50 to 60 years and self employed or having fixed salary, 15% future prospects are to be awarded. It

has further been held that the amount of Rs.70,000/- is to be awarded under the conventional heads i.e Rs.15,000/- for loss of estate, Rs.15,000/- for funeral expenses and Rs.40,000/- for loss of consortium.

For the reasons mentioned above and the decisions cited above, the compensation is recalculated as under :-

Annual income	Rs.4628x12=55,536/-
Add 15% future prospects	Rs.8330/-
Total income	Rs.63,866/-
½ deduction for self expenses	Rs.31,933/-
Dependency	Rs.31,933/-
Applying multiplier of 11	Rs.3,51,263/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Loss of consortium	Rs.40,000/-
Total	Rs.4,21,263/-

The award dated 18.10.2003 is modified to the extent that the amount awarded by the Tribunal of Rs.2,28,000/-is enhanced to Rs.4,21,263/-.

The claimants would be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

15.01.2018
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- 1.Whether the order is speaking/reasoned: Yes/No
- 2.Whether the order is reportable : Yes/No