

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

F.A.O. No. 5189 of 2002 (O&M)

Date of Decision: 22.05.2018

Smt. Phool Wati and others

.....Appellants

**Versus**

Vidya Ram Kohli and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Abhish Sharma, Advocate for  
Mr. Hemant Bassi, Advocate  
for the appellants.

Mr. K. Vardhan Verma, Advocate for  
Mr. Sandeep Kotla, Advocate  
for respondent No.2.

**AVNEESH JHINGAN, J.(oral)**

The present appeal is against award dated 01.03.2002 passed by the Motor Accident Claims Tribunal, Faridabad (for short 'the Tribunal').

The claimants are in appeal for enhancement of compensation awarded by the Tribunal under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), on account of death of Ram Bahadur.

In a motor vehicular accident that took place on 19.03.2000, Ram Bahadur lost his life. He was hit by a rashly and negligently driven U.P. Roadways bus bearing registration No.UP-80-C-9918 (for short 'the offending vehicle')

In the claim petition filed, the Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle. The age of the deceased was taken as 45 years as mentioned in the post mortem report. The income of the deceased was assessed as Rs.2100/- per month

and multiplier of 12 was applied. The Tribunal awarded a sum of

Rs.2,33,800/- alongwith interest at the rate of 9% per annum.

Learned counsel for the appellants contended that no future prospects have been awarded; 1/4<sup>th</sup> deduction for self expenses have wrongly been made as the deceased was survived by seven dependants and the amount awarded under conventional heads is on lower side. Learned counsel further argued that multiplier of 12 has wrongly been applied.

Learned counsel for respondent No.2 defended the award and resisted any enhancement.

I have heard learned counsel for the parties, perused the paper book and relevant documents produced by them.

There is no dispute with regard to the monthly earning assessed by the Tribunal. In consonance with the decision of Supreme Court in **National Insurance Company Limited Versus Pranay Sethi and others** 2017 AIR (SC) 5157, since the deceased was 45 years of age, 25% future prospects are to be added and the appellants would also be entitled to Rs.70,000/- under conventional heads. In view of decision of Supreme Court in **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another**, 2009(6)SCC 121, since the deceased was survived by more than six dependents, 1/5<sup>th</sup> deduction for self expenses is to be made and multiplier of 14 is to be applied.

For the reasons mentioned above, the compensation is calculated as below:

|                                               |                        |
|-----------------------------------------------|------------------------|
| Monthly earning                               | Rs.2100/-              |
| 25% future prospects                          | Rs. 525/-<br>Rs.2625/- |
| 1/5 <sup>th</sup> deduction for self expenses | Rs.525/-<br>Rs.2100/-  |

|                           |                                  |
|---------------------------|----------------------------------|
| Applying multiplier of 14 | 2100x14x12<br>Rs.352800/-        |
| Conventional heads        | Rs.70,000/-<br><br>Rs.4,22,800/- |

The award dated 01.03.2002 is modified to the extent that the amount awarded of Rs.2,33,800/- is enhanced to Rs.4,22,800/-.

The claimants would be entitled to enhanced amount alongwith interest at the rate of 6% per annum from the date of filing of the claim petition till realization of the amount.

The appeal is partly allowed in the aforesaid terms.

22.05.2018  
reema

(AVNEESH JHINGAN)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable:       | Yes/No |