

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

FAO No. 1623 of 2009(O&M)
Date of decision: 12.3.2018

Nirmal Kaur and othersAppellants

VERSUS

Deva Nand and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sanjay Verma, Advocate for the appellants.

Mr. M.B. Jain, 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 Gurdev Singh in a motor vehicular accident that took place on 04.09.2003.

The Tribunal has awarded compensation to the tune of Rs.3,00,000/- detailed hereunder:-

Monthly income of the deceased	Rs.3500/-
Deduction for personal expenses	50%
Multiplier	14
Loss of dependency	Rs.2,94,000/-
Transportation and funeral expenses etc.	Rs.6000/-

Counsel for the appellants would urge that the Tribunal has wrongly applied multiplier of 14 as the deceased was 20 years old. Claimants are entitled to increase in income for future prospects at the rate of 40%. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has supported assessment made by the Tribunal with the submission that adequate compensation has been allowed.

Claimants shall be entitled to benefit of increase in income for future prospects at the rate of 40%. Admissible multiplier in the given circumstances would be 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.** In this manner, loss of dependency comes to Rs.5,29,200/- [Rs.7,56,000/- (Rs.3500/- x 12 x 18) + Rs.3,02,400/- (40% towards future prospects) – Rs.529,200/- (50% deduction towards personal expenses)].

Under conventional heads, claimants shall be entitled to an amount of 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.5,59,200/- and additional amount is Rs.2,59,200/- (Rs.5,59,200/- - Rs.3,00,000/-) 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.

MARCH 12, 2018

'D. Gulati'

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no