IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1946 of 2010(O&M)

Date of decision: 14.2.2018

Maya Devi and another …..Appellants

VERSUS

Raj Kumar and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sagar Aggarwal, Advocate for the appellants.

Mr. Subhash Goyal, Advocate for respondent No.4.

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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 Mahinder in a motor vehicular accident that took place on 22.07.2007.

The Tribunal has awarded compensation to the tune of Rs.7,41,500/- (rounded off to Rs.7,42,000/-) detailed hereunder:-

Monthly income of the deceased	Rs.8463/-
Deduction for personal expenses	1/3rd
Multiplier	11
Loss of dependency	Rs.7,37,000/-
Funeral expenses	Rs.2500/-
Loss of estate	Rs.2000/-

Counsel for the claimants has submitted that Randhir Singh, Head Constable, Accounts Branch, S.P. Office, Sonepat PW-4 was examined and he has deposed that mother of deceased Smt. Maya Devi was held not entitled to get financial assistance as per order dated 23.10.2007 which was earlier allowed vide letter Ex.P3. Smt. Maya Devi is not getting pension on account of death of Mahinder Singh. According to counsel, as claimants have not been allowed benefit of Haryana Compassionate Assistance to the Dependants of Deceased Government Employees Rules, 2006, no deduction in this regard is to be made. Claimants are entitled to increase in income for future prospects at the rate of 50%. Multiplier adopted by the Tribunal is liable to be modified by allowing appropriate multiplier on the basis of age of deceased in place of age of parents of deceased. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has submitted that as claimants are parents of deceased Mahinder Singh, admissible deduction for personal expenses would be 50% in the light of judgment of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77.**

The Tribunal has rightly assessed income of the deceased at Rs.8463/- per month on the basis of statement of Randhir Singh PW-4. As the deceased was 25 years old, claimants shall be entitled to benefit of future prospects at the rate of 50%. However, deduction for personal expenses would be 50% in place of 1/3rd. Admissible multiplier is 18 in the light of judgments of Hon'ble the Supreme Court **Smt. Sarla Verma**

and others case (supra), **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.13,71,006/- [Rs.18,28,008/- (Rs.8463/- x 12 x 18) + Rs.9,14,004/- (50% towards future prospects) – Rs.13,71,006/- (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.14,01,006/- and additional amount is Rs.6,59,006/- (Rs.14,01,006/- - Rs.7,42,000/-) 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.

FEBRUARY 14, 2018 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no