

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

FAO No. 4673 of 2011

DATE OF DECISION : 26.02.2018

Smt. Sarojini Devi and another

.... APPELLANTS

Versus

Balbir Singh alias Biri and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Lalit Kumar Sharma, Advocate, for
Mr. Sunil Kumar Sharma, Advocate,
for the appellants.

Mr. R.C. Gupta, Advocate,
for respondent No.3.

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AVNEESH JHINGAN, J. (Oral)

This appeal arises from the award dated 03.04.2010 passed by the Motor Accident Claims Tribunal, Ambala (for short, 'the Tribunal').

2. On 02.09.2008, Dev Dutt, aged 22 years, was travelling in a jeep bearing registration No. PJI-2818. After crossing Police Station Naggal on Hissar-Ambala road, the jeep was hit by a rashly and negligently driven truck bearing registration No. PB-32B-2651 (for short, 'the offending vehicle'). As a result of the impact of the collision, jeep turned turtle, Dev Dutt sustained grievous injuries. Ultimately, he succumbed to the injuries.

3. Claim petition No. 80 dated 30.09.2008 under Section 166 of

the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by the unfortunate parents of the deceased. The Tribunal awarded a sum of ₹ 3,26,800/- along with interest at the rate of 6% per annum. The amount awarded included ₹ 10,000/- for funeral expenses.

4. I have heard learned counsel for the parties, perused the paper book and the record.

5. The Tribunal, while awarding compensation, considered that the accident took place because of rash and negligent driving of the offending vehicle. The monthly income of the deceased was taken as ₹ 3,600/-.

6. The present appeal has been filed for enhancement of compensation. Learned counsel for the appellants assailed the award arguing that no future prospects have been added; the multiplier of 11 has wrongly been applied, the amount awarded for funeral expenses is on lower side; and no amount has been awarded for loss of estate.

7. Learned counsel for respondent No.3 - Insurance Company defended the award and argued that 1/3rd deduction for self expenses has wrongly been made as the deceased was a bachelor. He argued that multiplier of 11 has rightly been applied, keeping in view the age of the parents of the deceased.

8. No dispute has been raised with regard to monthly earning of ₹ 3,600/- of the deceased, as assessed by the Tribunal. The deceased was a bachelor. As per decision of the Supreme Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another, (2009) 6 SCC 121**, 1/2

deduction should have been made for self expenses. The deceased was 22 years of age, multiplier of 18 should have been applied. The Tribunal wrongly applied multiplier considering the age of the parents.

9. Supreme Court in the cases of **Shri Nagar Mal Vs. Oriental Insurance Company Ltd., Civil Appeal No. 448 of 2018, decided on 19.01.2018** and **Sube Singh and another Vs. Shyam Singh (Dead) and others, Civil Appeal No. 7176 of 2015 decided on 09.02.2018**, has held that multiplier is to be applied, keeping in view the age of the deceased.

10. Having due regard to the decision of the Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and others, AIR 2017 SC 5157**, 40% future prospects are to be added and a sum of ₹ 15,000/- each is to be awarded for funeral expenses and loss of estate.

11. In view of the above discussion and the aforesaid decisions, compensation is re-calculated as under :-

Monthly Income	₹ 3,600/-
Add 40% future prospects	₹ 1,440/-
Total	₹ 5,040/-
1/ 2 deduction for self expenses	₹ 2,520/-
Dependency	₹ 2,520/-
Applying multiplier of 18 (2520 x 12 x 18)	₹ 5,44,320/-
Funeral expenses	₹ 15,000/-
Loss of estate	₹ 15,000/-
Total	₹ 5,74,320/-

12. The award dated 03.04.2010 passed in Claim Petition No. 80 of 2008 is modified to the extent that the amount of ₹ 3,26,800/- awarded by the Tribunal is enhanced to ₹ 5,74,320/-.

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

14. The appeal is partly allowed in the aforesaid terms.

February 26, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable Yes