

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

FAO No.2018 of 2012 (O&M)

Date of decision: 23.02.2018

Gurmej Kaur and another

.... Appellants

Versus

Kuldeep and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.M.S.Longia, Advocate
for the appellants.

Ms. Parveen Maan, Advocate for
Mr.R.S.Budhwar, Advocate
for respondent No.1.

Mr. Ayuwan Singh, AAG, Haryana
for respondents No.2 and 3.

Mr. Rajneesh Malhotra, Advocate
for respondent No.4-Insurance Company.

Avneesh Jhingan, J.

The present appeal has arisen from the award dated 03.12.2011 passed by Motor Accidents Claims Tribunal, Kurukshetra (hereinafter referred to as the 'Tribunal').

The accident took place on 07.03.2010 in which Gurmeet Singh, aged 25 years, lost his life. He alongwith Sunil Kumar was going from Pipli to Kurukshetra on motorcycle bearing registration No.HR-07-5535. When they reached a little ahead of Ambedkar Chowk, Thanesar, a Haryana Roadways bus bearing registration No.HR-65-030 struck the motorcycle from behind. As a result of the accident, Gurmeet Singh fell on the road and was crushed under the rear tyre of the bus. FIR No.111 dated 07.03.2010 was registered at Police

Station City Thanesar.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed.

The Tribunal held that accident occurred due to rash and negligent driving of the offending vehicle. The owner, driver and insurer of the bus were held jointly and severally liable to pay compensation.

The Tribunal assessed the income of the deceased as Rs.8,000/- per month. One half deduction for self expenses was made. Rs.10,000/- was awarded for funeral expenses.

The grievance of learned counsel for the appellants is that no future prospects have been added and a multiplier of 11 has wrongly been applied as the deceased was 25 years of age. He contended that amount awarded for funeral expenses is on the lower side and no amount has been awarded for loss of estate.

Learned counsel for the respondents defended the award and argued that the multiplier has been rightly applied taking into consideration the age of the parents. He contended that since the deceased was unmarried and was survived by the parents, therefore, the age of the parents had to be considered.

The contentions raised by learned counsel for the appellants deserve acceptance. As per the decision of Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi and Ors., 2017 AIR (SC) 5157,** 40% future prospects are to be added and amount of Rs.15,000/- each is to be awarded for loss of estate and funeral expenses.

Age of deceased is to be considered for applying multiplier even

if he was bachelor.

The reliance is placed upon decisions of the Supreme Court in cases of **Shri Nagar Mal vs. Oriental Insurance Company Limited, (Civil Appeal No.448 of 2018), decided on 19.01.2018** and **Sube Singh Vs. Shyam Singh (Civil Appeal No.7176 of 2015), decided on 09.02.2018**. The Supreme Court relying upon its earlier decisions in cases of **National Insurance Company Limited Versus Pranay Sethi and others, 2017 AIR (SC) 5157** and **Smt. Sarla Verma Vs. Delhi Transport Corporation, 2009(6) SCC 121**, has held that multiplier having regard to the age of the deceased should be applied.

In the present case, the deceased was 25 years of age, as per **Sarla Verma's case (supra)**, a multiplier of 18 has to be applied.

Since there is no dispute with regard to the income assessed and the deduction made for self expenses, the compensation is recalculated as under :-

Monthly income	Rs.8,000/-
Annual income	Rs.96,000/-
Add 40% future prospects	Rs.38,400/-
Total income	Rs.1,34,400/-
1/2 deduction for self expenses	Rs.67,200/-
Dependency	Rs.67,200/-
Applying multiplier of 18	Rs.12,09,600/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total	Rs.12,39,600/-

The award dated 03.12.2011 is modified to the extent that the amount awarded of Rs.5,38,000 /- is enhanced to Rs.12,39,600/-.

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 party allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

23.02.2018

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1. Whether the order is speaking/reasoned: Yes

2. Whether the order is reportable : No