

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 3707 of 2015 (O&M)

Date of Decision: 17.05.2018

Sarabjit Kaur and another

.....Appellants

Versus

Punjab State through Collector, Pathankot and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dheeraj Mahajan, Advocate
for the appellants.

Mr. RBS Chahal, Addl. AG Punjab
for respondents No. 1 and 3.

None for respondent No.2.

AVNEESH JHINGAN, J.(oral)

The present appeal is against the award dated 10.09.2014 passed by the Motor Accident Claims Tribunal, Gurdaspur (for short 'the Tribunal').

The brief facts of the case are that on 20.08.2013 Jagdish Singh was driving a motor cycle and was going from his village Tibber to Gurdaspur and Satinder Kumar was the pillion rider. On their way to the college, the motor cycle was hit by a rashly and negligently driven Jeep bearing registration No. PUG-7353 (for short 'the offending vehicle'). As a result of the accident, Jagdish Singh suffered multiple injuries. He was taken to Civil Hospital, Gurdaspur, where he lost his life. FIR No. 89 dated 20.08.2013 was registered at Police Station Tibber.

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

The Tribunal assessed the monthly earning of the deceased as Rs.8000/- taking into consideration the fact that he was pursuing his studies

and was student of BA Part-I. The Tribunal further held that the accident occurred due to rash and negligent driving of the offending vehicle and awarded a sum of Rs.7,00,000/- alongwith interest at the rate of 6% per annum.

Learned counsel for the appellants contended that no future prospects have been awarded; multiplier has wrongly been applied considering the age of the parents of the deceased and no loss of estate has been awarded

Learned counsel for the respondents contended that no amount is to be awarded under loss of love and affection and the amount awarded for funeral expenses is on higher side. Learned counsel for the appellants has not challenged the monthly income assessed by the Tribunal.

The contentions raised by learned counsel for the appellants deserve acceptance.

In view of the decision of Supreme Court in **National Insurance Company Limited Versus Pranay Sethi and others** 2017 AIR (SC) 5157, 40% future prospects are to be added. The appellants would be entitled to Rs.15,000/- each for funeral expenses and loss of estate.

Since the quantum of compensation is being re-visited, no amount can be awarded for loss of love and affection as per the decision of Supreme Court in **Pranay Sethi's case (supra)**. The Tribunal erred in applying the multiplier considering the age of the parents of the deceased whereas multiplier is to be applied considering the age of the deceased.

Reliance in this regard is placed upon the decision of Supreme Court in case of **Shri Nagar Mal Vs. Oriental Insurance Company Limited, (Civil Appeal No. 448 of 2018)**, decided on 19.01.2018 and in

case of **Sube Singh Vs. Shyam Singh (Civil Appeal No. 7176 of 2015)**, decided on 09.02.2018. Considering its decision in case of **Pranay Sethi's case (supra)**, it was held that multiplier is to be applied keeping in view the age of the deceased.

In this case, the deceased was 19 years of age and hence multiplier of 18 is to be applied.

The compensation is re-calculated as under:

Monthly income	Rs.8000/-
40% future prospects	Rs.3200/- Rs.11200/-
½ deduction for self expenses	Rs.5600/- Rs.5600/-
multiplier of 18	Rs.5600x12x18 Rs.12,09,600/-
Conventional heads (Rs.15,000/- each for funeral expenses and loss of estate)	Rs.30,000/-
Total	Rs. 12,39,600/-

The award dated 10.09.2014 is modified to the extent that the amount awarded of Rs.7,00,000/- is enhanced to Rs.12,39,600/-.

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.

(AVNEESH JHINGAN)
JUDGE

17.05.2018
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Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No