

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

FAO No.5048 of 2015 (O&M)

Date of decision: 10.05.2018

Om Parkash and another

.... Appellants

Versus

Sunil Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. R.K.Rohilla, Advocate
for the appellants.

Mr.Vinod Gupta, Advocate
for respondent No.3-Insurance Company.

Avneesh Jhingan, J.

The present appeal has been filed against award dated 27.03.2015 passed by Motor Accidents Claims Tribunal, Sonipat (hereinafter referred to as 'the Tribunal').

The present appeal has been filed by unfortunate parents who lost their 19 years son, in a motor vehicular accident, for enhancement of compensation.

A motor vehicular accident took place on 06.05.2013. Kamal, aged 19 years, was going from Delhi to Karnal in a truck bearing registration No. HR-46C-9978. On reaching near village Larsoli, a rashly and negligently driven vehicle bearing registration No.HR-69B-1206 (for short, 'the offending vehicle') overtook the truck and came in front of vehicle and applied break suddenly. In all this, the truck driver lost his control over the vehicle and struck the offending vehicle in its backside. As

a result of the impact, Kamal fell down on road and was crushed under the back wheels of the offending vehicle. He was taken to Govt. Hospital, Sonapat where he was declared brought dead. FIR No.110 dated 06.05.2013 was registered at Police Station Murthal.

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

The Tribunal awarded a sum of Rs.5,08,000/- along with interest @7.5% per annum. The amount awarded included Rs.40,000/-under the conventional heads.

I have heard learned counsel for the parties and perused the paper book and relevant documents produced by them.

Learned counsel for the appellants contended that the Tribunal erred in applying multiplier of 13 considering the age of the parents of the deceased rather than the age of the deceased. He argued that no future prospects have been added.

Learned counsel for the insurer of the offending vehicle contended that the amounts awarded under the conventional heads are on the higher side.

The deceased was 19 years of age at the time of accident. His monthly income was assessed as Rs.6,000/- per month. Income assessed by the Tribunal has not been disputed by the parties. In view of the decision of the Supreme Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and Ors., 2017 AIR (SC) 5157** and **Hem Raj vs. Oriental Insurance Company Ltd. in Civil Appeal No.19603 of 2017, decided on 22.11.2017**, 40% future prospects are to be added and Rs.15,000/-each is to be awarded for funeral expenses and loss of estate.

The Tribunal erred in applying the multiplier of 13 considering age of the parents.

Multiplier is to be applied keeping in view the age of the deceased not of parents.

Reliance in this regard is placed upon the decisions of Supreme Court in 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**, considering the decisions of **Pranay Sethi's case (supra)** and it has been held that multiplier is to be applied, keeping in view the age of the deceased.

The deceased was 19 years of age, multiplier of 18 has to be applied in consonance with the decision of Supreme Court in case of **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, 2009(3) R.C.R. (Civil) 77.**

Since the quantum of compensation is being revisited, the same would be made in consonance with the decision of Supreme Court in **Pranay Sethi's case (supra)**, the compensation is recalculated as under :-

Monthly income	Rs.6,000/-
40% future prospects	Rs.2,400/-
Total income	Rs.8,400/-
1/2 deduction for self expenses	Rs.4,200/-
Dependency	Rs.4,200/-
Applying multiplier of 18	Rs.9,07,200/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total	Rs.9,37,200/-

The award dated 27.03.2015 is modified to the extent that the amount awarded by the Tribunal of Rs.5,08,000/- is enhanced to

Rs.9,37,200/-.

The claimants would be entitled to enhanced amount along with interest at the rate as awarded by the Tribunal from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

10.05.2018
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1. Whether the order is speaking/reasoned:	Yes/No
2. Whether the order is reportable :	Yes/No