

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

FAO No. 5637 of 2015 (O&M)

Date of decision : July 18, 2018

Pohap Singh and others

.....Appellants

Versus

Ran Singh and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ajit Kumar Sharma, Advocate for
Mr. R.D. Yadav, Advocate for the appellants.

Mr. Chandan Deep Singh, Advocate
for respondent No. 4 – insurance company .

LISA GILL, J.

Present appeal has been filed by the claimants for enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Rewari (hereinafter referred to as the 'Tribunal') on account of death of Subham Yadav vide award dated 26.02.2015.

Petition under Section 163A of the Motor Vehicles Act was filed by the present appellants – claimants seeking compensation on account of death of their son Subham Yadav on 26.10.2009 in a motor vehicle accident caused due to rash and negligent driving of the offending motorcycle bearing registration No. HR-36K-4036 driven by Vikram. All the persons riding both the motorcycles involved in the accident received fatal injuries and died on the spot. FIR No. 311 dated 26.10.2009 under Sections 279 and 304-A IPC was registered at Police Station Dharuhera in respect to the accident. The deceased, aged 22 years at the time of the accident was stated to be earning a sum of ₹3,250/- per month from labour work.

Learned Tribunal on consideration of facts and evidence on

record awarded a sum of ₹2,45,000/-. Income of the deceased needless to say was taken as ₹40,000/- per month. Deduction of 50% was effected. Multiplier of 11 was applied, keeping in view the age of the parents of the deceased. Sum of ₹25,000/- on account of funeral expenses was afforded as well.

Aggrieved of the quantum of compensation, claimants have filed this appeal.

The sole argument raised on behalf of the appellant is that multiplier of 11 has been wrongly applied. Multiplier should be with reference to the age of the deceased and not his parents. It is, thus, prayed that necessary enhancement be afforded to the appellants – claimants.

The Hon'ble Supreme Court in **Munna Lal Jain v. Vipin Kumar Sharma, (2015) 6 SCC 347** has held that multiplier applied should be with reference to the age of the deceased and not the parents. The deceased, in this case, is admittedly 22 years old, therefore, as per Second Schedule of the Motor Vehicles Act, 1988, multiplier of 17 is required to be applied. Income of the deceased was assessed as ₹40,000/-. Deduction of 50% was effected. Annual dependancy of the claimants is, therefore, assessed as ₹4,08,000/- (₹20,000x12x17). Claimants are, thus, entitled to total compensation of ₹4,08,000/- detailed as under:-

Loss of dependency (₹20000x12x17)	₹4,08,000/-
Funeral expenses	₹25,000/-
Total	₹4,33,000/-

The amount of compensation already awarded to the appellants, needless to say, shall stand deducted from the amount calculated as above.

Appellants shall be entitled to interest at the rate of 7.5% per annum on the enhanced amount from the date of filing of the petition till realization.

With the abovesaid modification in the amount of compensation, present appeal is disposed of.

July 18, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No