

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 7221 of 2015 (O&M)

Date of Decision: 01.05.2018

Pushpa Rani and another

.....Appellants

Versus

Jaswinder Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lakhwinder Singh Mann, Advocate
for the appellants.

Mr. Vijay Rana, Advocate for
Mr. Abhishek Arora, Advocate
for respondent No.1.

Mr. R.N. Singal, Advocate
for respondent No.2.

AVNEESH JHINGAN, J.(oral)

Unfortunate parents who lost their son Tejinder Kumar aged 23 years in a motor vehicular accident are in appeal against the award dated 09.07.2014 passed by the Motor Accident Claims Tribunal, Rupnagar (for short 'the Tribunal').

The issues raised in the appeal are that multiplier has been applied considering the age of the parents of the deceased and not that of the deceased; the amounts awarded under conventional heads i.e. Rs.5000/- each for funeral expenses and for transportation are on the lower side and no amount has been awarded for loss of estate. Both the issues raised deserve acceptance.

The facts in a narrow compass for adjudication of the present appeal are that on 28.08.2013 Tejinder Kumar alongwith Rajat Kumar were going from Sirhind Mandi towards Bassi Pathana on a motor cycle. At about

11:00 p.m. near village Bahadurgarh, a car bearing registration PB-23-G-1848 hit the motor cycle from behind. As a result of the impact, Tejinder Kumar fell on the bonnet of the Car. Both the injured were taken to Civil Hospital, Bassi Pathana. They were referred to Government Medical College and Hospital, Sector 32, Chandigarh. Tejinder Kumar succumbed to the injuries on 29.08.2013. FIR No. 139 dated 29.08.2013 was registered at Police Station Fatehgarh Sahib.

In a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), the parents of the deceased were awarded a sum of Rs.6,14,800/- alongwith interest at the rate of 9% per annum.

The issue raised by the appellant that multiplier of 18 should have been applied as the deceased was 23 years of age, is accepted.

The issue that whether the age of the deceased is to be considered or the age of the parents is to be considered for applying the multiplier has been decided by 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 **Sarla Verma's case (supra)** and ***National Insurance Company Limited Versus Pranay Sethi and others*** 2017 AIR (SC) 5157, it was held that multiplier is to be applied keeping in view the age of the deceased.

Supreme Court in **National Insurance Company Limited Versus Pranay Sethi and others**, 2017 AIR (SC) 5157 has held that Rs.15000/- each is to be awarded for funeral expense and loss of estate.

The compensation is recalculated as under:

Monthly income	Rs.6,000/-
40% future prospects	Rs.2,400/-
	Rs.8,400/-
½ deduction for self expenses	Rs.4,200/-
Multiplier of 18	(4200x18x12)
	Rs.9,07,200/-
Conventional heads (funeral expenses and loss of estate Rs.15000/- each)	Rs.30,000/-
Total:	Rs.9,37,200/-

The award dated 09.07.2014 is modified to the extent that the amount awarded of Rs.6,14,800/- is enhanced to Rs.9,37,200/-.

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.

01.05.2018
reema

(AVNEESH JHINGAN)
JUDGE

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