

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

FAO No.9403 of 2014(O&M)

Date of decision: 14.3.2018

Shri Ram General Insurance Company Ltd.Appellant

VERSUS

Paramjit Kaur and anotherRespondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Rajbir Singh, Advocate for
Mr. Sanjeev Goyal, Advocate for the appellant.

Mr. Malkeet Singh, Advocate for respondent No.4.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 01.05.2014 passed by the Motor Accidents Claims Tribunal, Ludhiana (in short 'the Tribunal') on account of death of Hapreet Singh in a motor vehicular accident that took place on 03.11.2011.

Counsel for the appellant would state that as Paramjit Kaur – respondent No.1 is the wife of Nahar Singh – respondent No.2 and as husband of respondent No.1 (since deceased) is already a party in the case, there is no need to implead LR's of respondent No.1.

Counsel for the appellant has submitted that insurance company has filed the appeal only to assail quantum of compensation assessed by the Tribunal. It is argued that the Tribunal has applied multiplier of 17 on the basis of age of the deceased in place of appropriate

multiplier on the basis of age of parents of deceased, therefore, compensation assessed by the Tribunal is liable to be reduced. Another submission made by counsel is that the Tribunal has applied deduction for personal expenses to the extent of 1/3rd in place of 50%.

Counsel for respondent No.4, owner of the alleged offending vehicle has no submissions to make with regard to quantum of compensation assessed by the Tribunal.

The Tribunal has awarded compensation to the tune of Rs.6,50,000/- detailed hereunder:-

Monthly income of the deceased	Rs.4500/-
Deduction for personal expenses	1/3 rd
Multiplier	17
Loss of dependency	Rs.6,12,000/-
Expenses on funeral and last rites	Rs.20000/-
Loss of affection and estate	Rs.18000/-

The Tribunal has assessed income of the deceased at Rs.4,500/- per month and applied multiplier of 17 by holding that he was 21/22 years old. Contention raised by counsel for the insurance company that the Tribunal has applied a wrong multiplier on the basis of age of deceased or the same is to be applied on the basis of age of the parents is not meritorious when examined in the light of judgments of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77**, **Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447** and **National Insurance Company Ltd. Vs. Pranay Sethi**

and others, 2017 SCC 1270. Conversely, as the deceased was less than 25 years of age, admissible multiplier would be 18 in the light of judgment in **Smt. Sarla Verma and others case** (supra). Claimants shall be entitled to increase in income for future prospects at the rate of 40% in the light of latest judgment in **Pranay Sethi and others case** (supra). As the deceased was unmarried son of claimants, deduction for personal expenses would be 50% in place of 1/3rd. In this manner, loss of dependency comes to Rs.6,80,400/- [Rs.9,72,000/- (Rs.4500/- x 12 x 18) + Rs.3,88,800/- (40% towards future prospects) – Rs. 6,80,400/- (50% deduction towards personal expenses)].

Under conventional heads, compensation awarded to the claimants is restricted to Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss of estate.

In view of the above, total compensation comes to Rs.7,10,400/- and additional amount is Rs.60,400/- (Rs.7,10,400/- - Rs.6,50,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is disposed of in the aforesaid terms. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

FEBRUARY 14, 2018

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no