

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

FAO No.8311 of 2015 (O&M)

Date of Decision: April 5, 2018

Ramrati and another

...Appellants

Versus

Nishi Kant Ramdass Kulkarni and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr. Suneel Ranga, Advocate
for the claimant - appellants.

Mr.Vinod Gupta, Advocate
for respondent No.3 – Insurer.

HARINDER SINGH SIDHU, J.

The claimants have filed the present appeal challenging the award dated 10.02.2015 passed by the Motor Accident Claims Tribunal, Rohtak (herein for short 'the Tribunal').

Brief facts as disclosed in the claim petition are that on 9.2.2011, Bhupender Singh(deceased) aged 19 years was going to Panipat from Sonipat on motorcycle bearing registration No.HR-06/4791 being driven by one Satish Kumar son of Ramphal. When they reached near the area of Chautala Road on G.T Road, Panipat, an accident took place involving Jeep No.MH-40A/8984 (herein for short 'the offending vehicle'), being driven by Nishi Kant respondent No.1 wherein, Bhupender Singh lost his life. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was

also registered.

A claim petition was filed by the grandparents of the deceased. It was claimed that their son Ashok Kumar, father of the deceased had already passed away. The deceased was their only grand-son and they were wholly dependant on him.

The Tribunal assessed the income of the deceased at Rs.6000/- per month. Since the deceased was a bachelor aged 19 years, the Tribunal deducted ½ towards his personal expenses, applied multiplier of 9 (the Tribunal applied multiplier taking into account the age of the claimants, who are grandparents of the deceased). The loss of dependency was assessed at Rs.3,24,000/-(3000x12x9). Besides, Rs.25,000/- as 'funeral expenses' and Rs.1,00,000/- towards 'loss of love and affection' were also awarded. In all, compensation of Rs.4,49,000 along with interest was awarded.

Feeling dissatisfied with the quantum of compensation, the claimants are before this Court.

On behalf of the claimants/appellants, it is argued that the Tribunal erred in applying the multiplier considering the age of the claimants – grandparents, whereas, it should have been as per the age of the deceased. It is further argued that the Tribunal has also not granted future prospects, as per the settled law.

Having heard learned counsel for the parties and as per the decision of the Hon'ble Supreme Court in National Insurance Company Ltd. Vs. Pranay Sethi and others (2017) 16 SCC 680 the compensation is re-assessed as under:-

Sr.No.	Heads	Calculation (In Rs.)
(i)	Monthly Income	6000/-

(ii)	40% of above (i) to be added as future prospects (deceased aged 19 yrs.)	6000+(6000x40/100) = 8400/-
(iii)	Loss of income (½ of (ii) deducted as personal expenses of the deceased – Bachelor)	8400-(8400x1/2)= 4200/- per month
(iv)	Total loss of income after multiplier of 18 is applied	4200x12x18= 9,07,200/-
(vi)	Loss of Estate	Rs.15,000/-
(vii)	Funeral Expenses	Rs.15,000/-
	Total	Rs.9,37,200/-

Hence, the appeal is allowed. The Award of the Tribunal is modified to the extent that the appellants-claimants are held entitled to total compensation of Rs.9,37,200/-, that is, Rs.4,88,200/- (937200-449000) over and above the amount awarded by the Tribunal. Interest shall be paid on the enhanced amount at the rate of 7.5% per annum from the date of filing of claim application till realisation.

April 05, 2018

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No