

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

FAO No. 4003 of 2017(O&M)
Date of decision: 19.2.2018

Gurmail Kaur and anotherAppellants

VERSUS

Gurpreet Singh and othersRespondents

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

Present: Mr. Rajbir Singh, Advocate for the appellants.

 Mr. Harjinder Singh, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

CM No.12997-CII of 2017

Prayer in this application is for condoning delay of 188 days
in filing the appeal.

Heard.

In view of averments made in the application supported by an
affidavit of Gurmail Kaur – appellant No.1, the application is allowed.
Delay of 188 days in filing the appeal stands condoned subject to condition
that in case, the appellants succeed in appeal, they will forgo interest for
the period of delay.

Disposed of accordingly.

FAO No.4003 of 2017

The claimants are in appeal seeking enhancement of
compensation awarded by the Motor Accidents Claims Tribunal, Sangrur

(in short 'the Tribunal') on account of death of Shamsher Singh in a motor vehicular accident that took place on 14.11.2015.

The Tribunal has awarded compensation to the tune of Rs.6,95,000/- detailed hereunder:-

Monthly income of the deceased	Rs.7500/-
Deduction for personal expenses	50%
Multiplier	14
Loss of dependency	Rs.6,30,000/-
Loss of love and affection	Rs.50000/-
Funeral expenses	Rs.10,000/-
Transportation	Rs.5000/-

Counsel for the appellants would contend that the deceased was 24 years old but the Tribunal has applied multiplier of 14 on the basis of age of parents in place of appropriate multiplier as per age of the deceased. The Tribunal has not allowed benefit of increase in income for future prospects.

Counsel representing the insurance company has refuted contention of counsel for the claimant on the aspect of multiplier with the submission that the Tribunal has rightly applied multiplier of 14 by taking into consideration age of parents of the deceased.

The Tribunal has not allowed benefit of increase in income for future prospects. The deceased was 24 years old at the time of unfortunate occurrence. It is difficult to accept that the deceased would have stagnated at income of Rs.7,500/- per month had he remained alive. In the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270**, claimants are allowed benefit of future prospects at the rate of 40%.

The Tribunal has applied multiplier of 14 by taking into consideration age of parents (claimants) falling in the age group of 44-46 years. 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 Pranay Sethi and others case (supra)**, multiplier is to be applied on the basis of age of the deceased. Accordingly, claimants shall be entitled to multiplier of 18 for computing loss of dependency. In this manner, loss of dependency comes to Rs.11,34,000/- [Rs.16,20,000/- (Rs.7500/- x 12 x 18) + Rs.6,48,000/- (40% towards future prospects) – Rs.11,34,000/- (50% deduction towards personal expenses)].

Under conventional heads, the Tribunal has awarded an amount of Rs.65,000/- noticed hereinbefore. Claimants shall be entitled to an amount of 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.11,64,000/- and additional amount is Rs.4,69,000/- (Rs.11,64,000/- - Rs.6,95,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization except for the period of delay of 188 days, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

FEBRUARY 19, 2018

'D. Gulati'

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no