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

FAO No.3159 of 1999(O&M)
Date of Decision: 19.08.2019

Gurdev Singh and another ....**Appellants**

Versus

Jaswinder Singh and others ....**Respondents**

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

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

Mr. Sandeep Saini, Advocate for
Mr. Puneet Sharma, Advocate
for respondent No.3/Insurance Company.

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RAJ MOHAN SINGH, J.

[1]. Appellants have preferred this appeal for enhancement of compensation.

[2]. Motor Accident Claims Tribunal, Ropar (for short 'the Tribunal') vide award dated 30.04.1999 granted an amount of Rs.75,000/- as compensation in favour of the claimants/appellants. Respondents were held liable to pay the aforesaid compensation jointly and severally along with interest @ 12% per annum from the date of filing of the claim petition till final realisation of the amount.

[3]. Son of the appellants namely Paramjit Singh died in a

vehicular accident. Paramjit Singh was traveling in a truck driven by respondent No.1. He was employed as a cleaner-cum-driver. The accident took place on 04.06.1995 with maruti car which came from opposite direction and thereafter, the truck struck against the tree. Paramjit Singh was crushed under the truck and died at the spot.

[4]. The Tribunal held that the accident in question took place due to rash and negligent driving of respondent No.1. Issue No.2 was decided in favour of the appellants. An amount of Rs.75,000/- was awarded as compensation by the Tribunal. Under issue No.3, it was decided that the Insurance Company is liable to answer the claim of the claimants. Insurance Company has not preferred any appeal against the award, nor any appeal has been preferred by respondents No.1 and 2. According to the appellants, award is palpably low. No amount in respect of future prospects and parental consortium has been granted.

[5]. While awarding compensation, the Tribunal has taken note of the fact the deceased was 18 years of age at the time of accident and was unmarried. Claimants were 55 and 45 years of age. The deceased was held to be a daily wager and was earning Rs.2000/- per month. Both the claimants were dependents upon his income.

[6]. In view of ratio laid down in ***National Insurance***

Company Limited Vs. Pranay Sethi and others, 2017 SCC 1270, 40% of the income i.e. Rs.800/- (2000x40/100=800) has to be added towards future prospects of the deceased, thereby making total income of the deceased to be Rs.2800/- per month (2000+800=2800). Deceased was a bachelor, therefore, 50% deduction has to be made towards personal expenses of the deceased. In this way, monthly dependency of the claimants would come out to be Rs.1400/- i.e. Rs.16,800/- per annum. Keeping in view the age of the deceased to be 18 years and in view of ratio laid down in ***Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(3) Recent Civil Reports (Civil) 77 ,*** multiplier of 18 would be just and appropriate and after applying the same, the amount of compensation would come out to be Rs.3,02,400/- (16,800x18=3,02,400) to which an amount of Rs.15,000/- is to be added towards funeral expenses and an amount of Rs.40,000/- is to be added towards parental consortium. In this way, total amount of compensation would come out to be Rs.3,57,400/-.

[7]. The Tribunal has already awarded an amount of Rs.75,000/-, therefore, the aforesaid amount has to be deducted and after deducting the same, the enhanced amount of compensation would come out to be Rs.2,82,400/- (3,57,400-

75,000=2,82,400).

[8]. The enhanced amount of compensation i.e. Rs.2,82,400/- shall be paid to the claimants along with interest @ 7.5% per annum from the date of filing of claim petition till final realisation of the amount. The liability to pay the enhanced amount of compensation shall remain the same as ordered by the Tribunal.

[9]. With the aforesaid modification, the present appeal stands disposed of.

19.08.2019 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether reasoned/speaking **Yes/No**

Whether reportable **Yes/No**