IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2933 of 2001 (O&M)
Date of Decision:-07.12.2019

Smt. Khazani and another ...Appellants

Versus

Jasbir Singh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Vinod Chaudhri, Advocate
for the appellants.

Ms. Madhu Sharma, Advocate
for respondent No.3.

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RAJ MOHAN SINGH, J.(*Oral*)

[1] This is an appeal filed by parents of deceased Rajiv @ Goldi, who died in a vehicular accident on 11.05.1994.

[2] The Motor Accidents Claims Tribunal, Panipat (for short 'the Tribunal') has awarded an amount of Rs.98,000/- as compensation to the claimants/parents of deceased Rajiv @ Goldi after holding that the accident took place due to rash and negligent drivig of the offending vehicle. Deceased was 21 years of age. The claim petition was filed on 25.10.1994. According to the case set up by the claimants, the decased was working as a Video Film Maker and was earning Rs.6000/- per month. No evidence has been produced in respect of vocation of the

deceased. The claimants/appellants were about 50 years of age at the time of filing of claim petition. The Tribunal assessed an amount of Rs.1800/- as monthly income of the deceased on the basis of the daily wage prevailing at the relevant time. Daily wage was assessed to be Rs.60/- per day. After calculating dependency of the family, multiplier of 8 was applied as per age of the claimants. Deduction to the extent of 1/2 was applied as the deceased was unmarried.

[3] I have heard learned counsel for the parties.

[4] While assessing monthly income of the deceased, some guess work has to be done. Though the plea of the claimants that deceased was a Video Film Maker has not been proved on record, still the deceased can be treated to be a skilled worker, even for skilled worker no evidence has come on record. It would be just and appropriate to assess monthly income of the deceased to be Rs.2000/-. As per ratio of ***National Insurance Co. Limited Vs. Pranay Sethi, 2017 SCC 1270*****,** 40% towards future prospects has to be added to the monthly income of the deceased and the tally would come out to be Rs.2800/- (2000 + 800) per month i.e. Rs.33,600/- (2800 x 12) per annum.

[5] The Tribunal has applied multiplier of 8 keeping in view the age of the dependents which is not in consonance with the ratio laid down in ***Munna Lal Jain and another vs. Vipin***

Kumar Sharma and others, 2015(3) PLR 304 wherein, it was held that in case of death of a bachelor the age of the deceased is the relevant for applying multiplier. The deceased was 21 years of age at the time of accident, therefore, as per ratio laid down in ***Sarla Verma Vs. Delhi Transport Corporation 2009 ACJ 1298 (SC)*** , multiplier of 18 has to be applied and the amount would come out to be Rs.6,04,800/- (2800 X 12 X 18). Since the deceased was unmarried, therefore, deduction to the tune of 50% has to be applied towards personal expenses. In this way, the compensation would come out to be Rs.3,02,400/- (6,04,800 ÷ 2). The claimants are parents of the deceased, therefore, as per ***National Insurance Co. Limited vs. Pranay Sethi's*** case (supra), the claimants are entitled to Rs.30,000/- towards conventional heads. This would bring the total amount of compensation to Rs.3,32,400/- (3,02,400 + 30,000). The Tribunal has already awarded an amount of Rs. 98,000/- as compensation. The balance amount i.e. Rs.2,34,400/- (3,32,400 – 98,000) shall carry interest @ 7.5% per annum from the date of filing of the claim petition till final realization of the amount.

[6] In view of aforesaid, the award is modified. Appeal stands disposed of.

7.12.2019 **(Raj Mohan Singh)**
geeta **Judge**

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