

In the High Court of Punjab and Haryana at Chandigarh**FAO- 3570 of 2016(O&M)**
Date of Decision: 21.1.2019**Kaushalya and others****---Appellants****versus****Suresh Giri and others****---Respondents****Coram: Hon'ble Mrs. Justice Rekha Mittal****Present: Mr. Kuldeep Sheoran, Advocate**
for the appellants**Mr. Preet Harjinder Singh Pannu, Advocate,**
for respondent No. 3*********Rekha Mittal, J.**

The claimants are in appeal seeking enhancement of compensation on account of death of Lalit Sharma in a motor vehicular accident that took place on 14.8.2014.

The Motor Accidents Claims Tribunal, Rohtak (in short “the Tribunal”) has awarded compensation of Rs. 7,40,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.8,000/-
Deduction for personal expenses	50%
Multiplier	14
Loss of dependency	Rs. 6,72,000/-
Loss of love and affection,	Rs. 50,000/-

deprivation of protection
and social security etc.

Funeral expenses

Rs. 18,000/-

The plea of the claimants is that the deceased was working as a salesman with M/s Roshan Lal Ramesh Chand, Old Grain Market, Rohtak at salary of Rs. 12,000/- per month. Deepak Jain PW3 owner of M/s Roshan Lal Ramesh Chand was examined and produced salary slip Ex. P13. The Tribunal has noticed that the witness did not produce account books of the concern aforesaid to prove that Lalit Sharma was paid salary @ Rs. 12,000/- per month. As such, I do not find any reason to differ with findings of the Tribunal ignoring testimony of Deepak Jain PW3 and assessing income of the deceased at Rs. 8,000/- per month.

The application for compensation has been filed by the parents, Pooja and Seema sisters of the deceased. There is no material on record suggestive of the fact that Shishpal father of the deceased had any disability to accept the contention that siblings of the deceased were dependent upon his earning. In the given circumstances, the Tribunal has rightly applied deduction of 50% qua personal and living expenses of the deceased.

The Tribunal has applied multiplier of 14. The deceased was 21 years old at the time of occurrence. A multiplier of 18 is applied when examined in the light of judgments of Hon'ble the Supreme court **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298, Munna Lal Jain vs. Vipin Kumar Sharma 2015 (3) RCR (Civil) 447 and National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270.** Claimants shall be entitle to

increase in income for future prospects @ 40%. In this manner, loss of dependency is calculated at Rs. 12,09,600/-[8000 x 12 x18 = 17,28,000+ 6,91,200(40%)=24,19,200- 12,09,600(50%).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs. 30,000/- in the light of judgments of Hon”ble the Supreme Court **Pranay Sethi and others' case (supra)** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, detailed hereunder:-

Expenses on funeral	Rs. 15,000/-
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Loss of estate	Rs. 15,000/-
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Total compensation is Rs. 12,39,600/- and the additional amount is Rs. 4,99,600/-(12,39,600-7,40,000), payable with interest @ 7.5% from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

21.1.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No