IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 3812 of 2016(O&M)

Date of decision: 16.5.2019

Dalbir Singh and others …..Appellants

VERSUS

Rajbeer Singh and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. I.S. Cooner, Advocate for the appellants.

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REKHA MITTAL, J. (Oral)

Insurance company has been served but remains unrepresented.

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Ambala (in short 'the Tribunal') on account of death of Karanbir Singh in a motor vehicular accident that took place on 21.2.2015.

The Tribunal awarded Rs.15,87,000/- detailed hereunder:-

Monthly income of the deceased	Rs.28000/-
Deduction for personal expenses	50%
Multiplier	9
Loss of dependency	Rs.15,12,000/-
Loss of love and affection, pain and agony and loss of consortium	Rs.50,000/-
Funeral expenses	Rs.25,000/-

The plea of the claimants is that the deceased was doing job as Software Engineer thereby earning Rs.28,000/- per month. The Tribunal has assessed his income on the basis of plea raised by the claimant. Annual income at the rate of Rs.28,000/- comes to Rs.3,36,000/-. After deducting income tax, net annual income is Rs. 3,27,400/-. Claimants shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed.

The Tribunal has applied multiplier of 9, on the basis of age of parents of the deceased between 56-60 years. The multiplier is required to be applied on the basis of age of the deceased in place of age of parents. In this context, reference can be made to 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, National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270** and **M/s Royal Sundaram Alliance Insurance Co. Ltd. Vs. Mandala Yadagiri Goud and others, 2019(6) Scale 82**. Accordingly, multiplier of 18 is admissible in the given circumstances. Thus, loss of dependency comes to Rs.41,25,240/- [Rs.58,93,200/- (Rs.3,27,400 x 18) + Rs.23,57,280/- (40% addition towards future prospects) – Rs.41,25,240/- (50% deduction towards personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.30,000/-, detailed hereunder:-

Funeral expenses	Rs.15,000/-

Loss of estate Rs.15,000/-

In view of the above, total compensation comes to Rs.41,55,240/- and additional amount is Rs.25,68,240/- (Rs.41,55,240/- - Rs. 15,87,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realisation to mother of the deceased, to be invested in Fixed Deposit for a period of 3 years.

The appeal is partly allowed in the aforesaid terms.

MAY 16, 2019 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**
Whether speaking/reasoned : yes/no
Whether reportable : yes/no