

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

FAO No.6389 of 2015 (O&M)

Date of decision: 17th August, 2022

Jasvir Singh & another

... Appellants

Versus

Deep Raj & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Avinash Mandla, Advocate for the appellants.

Mr. Rajbir Singh, Advocate for respondent No.4.

MANJARI NEHRU KAUL, J.

The claimants are in appeal against the compensation awarded by learned Motor Accident Claims Tribunal, Gurdaspur on account of the death of their son Gurkirat Singh in a motor vehicular accident which took place on 11.02.2013. Learned Tribunal awarded the following compensation:-

Sr. No.	Head	Amount
1.	Monthly income	₹ 7,000/-
2.	Annual income 12 x 7,000/-	₹ 84,000/-
3.	Deduction towards personal expenses @ 50%	₹ 3,500/-
4.	Dependency	₹ 3,500/-
5.	Total dependency (₹ 3,500 x 12)	₹ 42,000/-
6.	Multiplier	18
7.	Total amount	₹ 7,56,000/-
8.	Loss of love and affection	₹ 1,00,000/-
9.	Funeral expenses	₹ 44,000/-
	Total compensation	₹ 9,00,000/-

The amount of compensation along with interest @ 6% p.a. was ordered to be paid by the respondents in the claim petition, jointly and severally and both the claimants were held entitled to the amount of compensation in equal share.

Learned counsel for the appellant/claimants has vehemently argued that the compensation awarded is meager and not in consonance with the settled law in '**Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & others**' 2018(4) RCR (Civil) 333; and '**National Insurance Co. vs. Pranay Sethi**' 2017 SCC 270 and thus, deserves to be modified and reassessed. She has submitted that since the deceased was a 19 years old boy, the correct multiplier which should have been applied would be 25 and not 18 which had been applied by the learned Tribunal. It has also been submitted that the Tribunal failed to grant any compensation with respect to future prospects.

Per contra, learned counsel for the insurance Company while opposing the prayer has submitted that the compensation awarded is just and adequate which does not warrant any interference. He submits that since the deceased was 19 years of age at the time of accident in question, as per the ratio of law laid down in '**Sarla Verma & others v. Delhi Transport Corporation & another**' 2009(6) SCC 121, correct multiplier of 18 had been applied. He however, has not been able to dispute the contentions of the learned counsel opposite that

the claimants ought to have been compensated to the extent of 40% qua future prospects.

I have heard learned counsel for the parties and perused the relevant material on record.

This Court concurs with the submissions made by learned counsel for the insurance Company that since the deceased was a 19 year old boy, the Tribunal had rightly applied the multiplier of 18. However, a perusal of the impugned award reveals that the Tribunal has not awarded any amount towards future prospects. The claimants have lost their young son, and thus they are indeed entitled to compensation to the extent of 40% with respect to future prospects.

As a sequel to the above, the compensation awarded by the Tribunal is reassessed as under:

Sr. No.	Head	Amount
1.	Monthly income	₹ 7,000/-
2.	Future prospects @ 40%	₹ 2,800/-
3.	Annual income 12 x 9,800/-	₹ 1,17,600/-
4.	Deduction towards personal expenses @ 50%	₹ 4,900/-
5.	Dependency	₹ 4,900/-
6.	Total dependency (₹ 4,900 x 12)	₹ 58,800/-
7.	Multiplier	18
8.	Total amount	₹ 10,58,400/-
9.	Loss of love and affection	₹ 1,00,000/-
10.	Funeral expenses	₹ 44,000/-
	Total compensation	₹ 12,02,400/-

The claimant/appellants are therefore entitled to a total compensation of ₹ 12,02,400/- along with interest @ 6% per annum

from the date of filing of the claim petition till realization of the amount which would be disbursed in the same ratio as directed by the learned Tribunal.

With these modifications, the instant appeal stands disposed off.

(MANJARI NEHRU KAUL)
JUDGE

August 17, 2022
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No