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

FAO-1735-1992 (O&M)
Date of decision : 30.10.2023

Anguri Devi and another

.....Appellants

Versus

Chuhar Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Ashish Gupta, Advocate for the appellants

Mr.Harender Singh, Advocate for
Mr.Govind Mor, Advocate for respondent No.3

Mr.Neeraj Khanna, Advocate for
Mr.Ravinder Arora, Advocate for respondent No.6.

AMAN CHAUDHARY, J.

1. The present appeal has been filed by the claimant-appellants for enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Jind (for short 'the Tribunal') vide award dated 03.09.1992, on account of death of their son in a motor vehicular accident.

2. Learned counsel for the appellants-claimants contends that the deceased Richhpal, aged 26 years, was holding a diploma in sports i.e. Judo and was working on the post of PTI in Happy Nursery School, Jind. Apart from it, he was also earning by training students, therefore, the Tribunal has erred in assessing his income, which deserves to be enhanced. The deduction made towards personal expenses of the deceased was also on the higher side, as he was bachelor. Further, nothing has been awarded towards

future prospects of increase in income, loss of love & affection as also for transportation and medical purposes, which should have been Rs.50,000/- as he on 15.09.1991 was first taken to hospital at Safidon and thereafter to Rohtak, where he expired on the next day. Considering the age of the deceased, multiplier of 17 was to be applied and he being a bachelor, deduction to the extent of half of the income should have been made as per the judgment in **Sarla Verma and others v. Delhi Transport Corporation and another,** 2009(3) RCR (Civil) 77, which also reiterated in **National Insurance Company Limited vs. Pranay Sethi and others** 2017(4) RCR (Civil) 1009.

3. On the other hand, the learned counsel for the respondent-Insurance Companies have vehemently opposed the present appeal and state that just and reasonable compensation has already been awarded to the appellants.

4. Having heard the learned counsel for the parties and perusing the record, this Court finds merit in the submissions raised by the appellants.

5. There is no dispute with regard to the death of the son of the appellants, which occurred in a motor vehicular accident. So far as the fact of accident and manner of its taking place, as well as liability fastened upon the driver, owner and insurer of the offending vehicle, to be joint and several are concerned, it is pertinent to mention that no challenge to the Award has been made and thus, this issue does not warrant any further scrutiny. Perusal of the award, reveals that the deceased was 26 years of age at the relevant time. The tribunal has rightly assessed his income including that of the

private training and the mere statement of a relative cannot be sufficient proof for increasing the same. However, there is a flaw in applying the multiplier as well as loss of dependency by the Tribunal, as it ought to have been 17 and half of the income, respectively, in view of the law laid down in **Sarla Verma and others** (supra). The appellants are held entitled to grant of future prospectus to the extent of 40%, he being in a private job as also was engaged in coaching of Judo and also for the compensation under the conventional heads as per the law laid down in the case of **Pranay Sethi and others** (supra) reiterated in **Smt.Anjali and others vs. Lokendra Rathod and others,** Civil Appeal No.9014 of 2022, decided on 06.12.2022. In addition to the above, he having been taken to two hospitals, wherein he died on the next day, is entitled to transportation and medical expenses. Accordingly, the compensation for loss of dependency comes to Rs.4,28,400/- (3000+40% (towards future prospectus)- 1/2 (towards personal expenses)x 12 x 17(multiplier), whereas for the conventional heads of Rs.85,000/- (Transportation Rs.15,000/-; Funeral expenses Rs.15000/-; loss of estate=15,000/- and loss of love and affection Rs.40,000/-)

6. In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.4,05,400/-, over and above the amount of Rs.1,08,000/- already awarded by the Tribunal. Considering the law laid down in the foregoing judgments, the component of interest is modified to 7.5% per annum from the date of filing of the present appeal, till its realization. The enhanced amount alongwith interest aforesaid shall be paid to the claimants-appellants i.e. parents of the deceased in the same ratio as was ordered in the award, within a period of 2 months from the date of

receipt of a certified copy of this judgment, failing which, the amount shall accrue an interest at the rate of 15% as awarded by the Tribunal.

7. Modifying the award to the aforesaid extent, the present appeal is disposed of.

30.10.2023 **(AMAN CHAUDHARY)**
gsv **JUDGE**

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