

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

239-2

FAO-915-1993

Date of decision: 16.12.2023

Dharam Singh and another

.....Claimant-Appellants

Versus

Jasbir Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Prabhsher Singh Walia, Advocate
for the appellants.

Mr. Paul S. Saini, Advocate
for respondent No.3-Insurance Company.

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, Ropar (for short 'the Tribunal') vide award dated 16.10.1992, on account of death of Gurcharan Singh in a motor vehicular accident.

2. Learned counsel contends that the deceased, 21 years old at the relevant time, was working as a truck driver and earning Rs.700/- per month, however, the annual dependency of the claimants was taken to the tune of Rs.2400/-, which is inadequate. He was unmarried and left behind his parents. The multiplier of 16 applied by the Tribunal is also incorrect, as in view of law laid down in **Sarla Verma and others vs. Delhi Transport Corporation and another**, 2009(3) RCR (Civil) 77, it should be 18. The compensation assessed by the Tribunal is on the lower side and nothing has been awarded towards future prospects of increase in income, loss of love & affection and funeral expenses.

3. On the other hand, Mr. Paul S. Saini, Advocate for respondent

No.3- Insurance submits that the Tribunal has assessed the compensation in light of the evidence led by the claimant-appellants, thus, prays for the dismissal of the present appeal.

4. Heard and perused.

5. It is not disputed that the death of the deceased-Gurcharan Singh had occurred in a roadside accident caused by respondent No.1. In so far as the fact of accident and manner of its taking place, as well as liability fastened upon the owner, driver and insurer of the vehicle, to be joint and several are concerned, it is pertinent to mention that no challenge to the same has been made and thus, this issue does not warrant any further scrutiny.

6. A perusal of the award reveals that as per the statement of Dharam Singh, the deceased was earning Rs.700/- per month being working as driver, to which there was no rebuttal, therefore, the same is to be assessed as it is considering his avocation. However, with regard to the enhancement of the compensation, this Court can make a profitable reference to the law laid down in **Sarla Verma and others** (supra), **National Insurance Company Limited vs. Pranay Sethi and others** 2017(4) RCR (Civil) 1009 and **Janabai vs. ICICI Lombard Insurance Co. Ltd.**, (2022) 10 SCC 512 and accordingly the appellants are held entitled to grant of future prospects to the extent of 40%, he being self-employed and also for the compensation under the conventional heads i.e. Rs.18,000/- for funeral expenses; Rs.96,000/- (48,000 x 2) for loss of love and affection to both parents. The deceased being 21 years, the multiplier of 18 should be applied and also the claimants are the parents and the deceased being bachelor, the deduction of 1/2 ought to be made.

7. Consequently, the total compensation comes to Rs.2,19,840/- (700 (monthly income) + 40% (towards future prospects) - 1/2 (deduction towards personal expenses) x 12x 18 (multiplier) + Rs.1,14,000/- (conventional head). Thus, the enhanced compensation of Rs.1,81,440/-, over and above the amount of Rs.38,400/- already awarded by the Tribunal, alongwith interest at the rate of 7.5% per annum from the date of filing of the present appeal, till its realization, shall be paid to the claimant-appellants by the respondent, as ordered by the Tribunal, 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 as awarded by the Tribunal.
8. Modifying the award to the aforesaid extent, the present appeal is disposed of.

16.12.2023
Hemant

(AMAN CHAUDHARY)
JUDGE

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