

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

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FAO-2248-1995

Date of decision: 12.12.2023

Ram Kaur and another

.....Claimant-Appellants

Versus

Til Bahadur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the appellants.

Mr. Neeraj Khanna, 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, Patiala (for short 'the Tribunal') vide award dated 11.05.1995, on account of death of Gurmeet Singh in a motor vehicular accident.
2. This is a reconstructed case, as the original file was burnt in the fire that broke out in the concerned branch in the year 2011. Since the case is pending for more than 28 years, the counsel for respondent No.3 has no objection, if the same is decided on the basis of the available record.
3. It has been averred in the grounds of appeal that the deceased, 22 years old at the relevant time, was employed as Constable in C.R.P.F., and getting salary of Rs.2430/- per month, however, the annual dependency of the claimants was taken to the tune of Rs.6,000/-, which is inadequate. He left behind his parents. The multiplier of 4 applied by the Tribunal is also incorrect. The compensation assessed by the Tribunal is on the lower side.
4. On the other hand, learned counsel for respondent No.3 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.

5. Heard and perused.

6. It is not disputed that the death of the deceased-Gurmeet Singh had occurred in a roadside accident caused by respondent No.1. 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 same has been made and thus, this issue does not warrant any further scrutiny.

7. Perusal of the award reveals that as per salary certificate Ex.P-1, the salary of the deceased was Rs.1863/- per month, which is not in dispute, however, the Tribunal merely on presumption basis, assessed the annual dependency of the claimants to the tune of Rs.6000/- by taking it to be Rs.500/- per month. On strength of the law laid down in **Sarla Verma and others vs. Delhi Transport Corporation and another**, 2009(3) RCR (Civil) 77, **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, this Court holds the appellants entitled to enhanced compensation, by granting them future prospects to the extent of 50%, he being in Government job as also under the conventional heads i.e. Rs.15,000/- for funeral expenses, Rs.80,000/- (40,000 x2) for loss of love and affection to the parents. The deceased being 22 years, the multiplier of 18 should be applied. Further, the claimants being the parents, as the deceased was bachelor, the deduction of 1/2 ought to be made.

8. Consequently, the total compensation comes to Rs.3,96,806/- (1863 (monthly income) + 50% (towards future prospects) - 1/2 (deduction towards personal expenses) x 18 (multiplier) + Rs.95,000/- (conventional head). Thus, the enhanced compensation of Rs.3,60,806/-, over and above the amount of Rs.36,000/- 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.

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

10. Registry is directed to send a copy of the order to the concerned Tribunal for necessary compliance.

12.12.2023
Hemant

(AMAN CHAUDHARY)
JUDGE

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