[103] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-5479-2009
Date of Decision :30.01.2023

PARMESHWARI …Appellant

Versus

VIPIN AND ORS. ….Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr.Tribhawan Singla, Legal Aid Counsel for the appellant.
Ms. Vandana Malhotra, Advocate for respondent No.3.

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B.S. Walia, J. (Oral)

[1] Prayer in the instant appeal is for modification of award by enhancing the compensation awarded by the learned Motor Accident Claims Tribunal, Fatehabad to the appellant-mother of deceased-Sushil Kumar, who died in an accident on 31.08.2007 at the age of 21 years.

[2] Learned Counsel contends that the learned Tribunal by taking into account that the deceased was an agriculturist, assessed his income at Rs.2500/- per month, made a deduction of 1/3rd of the income of the deceased towards his personal and living expenses, applied multiplier of 5 and by awarding compensation of Rs.2000/- on account of funeral expenses, assessed total compensation payable to the appellant/claimant at Rs.1,01960/- whereas as per the Schedule, multiplier of 17 was to be applied, besides, as against Rs.2000/- awarded on account of funeral expenses, Rs.2500/- were to be awarded, besides Rs.2000/- had to be awarded on account of loss of estate which was not awarded by the learned Tribunal.

[3] Learned counsel for the respondent-Insurance Company does not dispute the aforementioned position.

[4] Accordingly, in view of the position noted above as well as the

statement of learned counsel for the parties, details of the income as assessed by the learned Tribunal/as assessed by this Court are as under:-

Sr. No.	**Heads**	**Income assessed by the learned Tribunal**	**Income assessed by this court**
1.	Income	2500	2500
2.	Dependency	1/3rd of 2500 = 833.33	1/3rd of 2500 =833.33
3.	Total Income (i.e. Sr. No.1-2)	2500 - 833.33 = 1666.67/-	2500 - 833.33 = 1666.67
4.	Multiplier applied	5	17
5.	Compensation awarded	1666.67x12x5= 1,00,000.2/-	1666.67x12x17= 3,40,000.68/-
6.	Funeral expenses	2000	2500
7.	Loss of Estate	Nil	2000
8.	Interest	9%	9%
	Total	1,02,000.2/- **(However, learned Tribunal assessed at Rs.1,01,960/-)**	**3,44,500.68/-**

[5] Accordingly, as against the compensation of Rs.1,01,960/- awarded by the Tribunal, the appellant is held entitled to award of compensation of Rs.3,44,500.68/- along with interest @ 9% per annum (less amount if any already paid)

[6] Accordingly, appeal isallowed and award dated 22.01.2009, passed by the learned Tribunal modified to the extent as noted above.

(B.S. Walia)
Judge

30.01.2023
'Amit'

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