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

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FAO No.657 of 1988
Date of Decision : 8.4.2024

Bachan Kaur and another ..... *Appellants*

versus

The state of Punjab and others ..... *Respondents*

2. FAO No.658 of 1988 **2024:PHHC:049364**

Harnek Singh and others ..... *Appellants*

versus

The state of Punjab and others ..... *Respondents*

3. FAO No.661 of 1988 **2024:PHHC:049366**

Nand Singh and others ..... *Appellants*

versus

The state of Punjab and others ..... *Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vinod Kumar Kataria, Advocate
for the appellants/claimants

Mr. Aman Sharma, Advocate for the respondent/PRTC

TRIBHUVAN DAHIYA J. (ORAL):

These three appeals are being decided together, since the same arise from common order/award passed by the Motor Accident Claims Tribunal, Faridkot (for short 'the Tribunal') on 5.2.1988.

2. On 24.9.1986, the three deceased Boota Singh son of Nand Singh, Darshan Singh son of Harnek Singh and Darshan Singh son of

Mohinder Singh were travelling in a tempo, which was hit by a bus owned by the second respondent/Pepsu Roadways Transport Corporation (for short 'the Corporation'). This led to filing of the aforesaid three claim petitions by their respective dependants seeking compensation. It has been held by the Tribunal that the bus was being driven rashly and negligently by the third respondent. Accordingly, the second and the third respondents have been held jointly and severally liable to pay compensation to the claimants, who are dependents of these three deceased. The claimants are in appeal seeking enhancement of compensation awarded to them.

2.1. Deceased Boota Singh was unmarried, and the claimants/ appellants are his father, mother, three minor brothers and two minor sisters. All of them have been held dependent on the deceased, who was aged about twenty-six years at the time of accident. In the absence of any evidence regarding his employment, his income was assessed as that of a labourer, ₹600/-per month. The dependency was assessed at ₹200 per month. By applying a multiplier of '15', the claimants were held entitled to compensation of ₹36,000 from the respondents.

2.2. Deceased Darshan Singh son of Harnek Singh was also unmarried, and the claimants are his father, mother, three minor brothers and three minor sisters. The Tribunal held that Harnek Singh was a driver in the office of SDO and not wholly dependent on his son Darshan Singh. However, the deceased must have been paying some amount to his parents for their maintenance, and also to his brothers and sisters. He was aged about nineteen years at the time of accident. In the absence of any evidence regarding his employment, his income was assessed as that of a labourer, ₹600 per month, and dependency was assessed at ₹150 per month. By applying multiplier of '15', the claimants of Darshan Singh have been held entitled to compensation of ₹27,000 from the respondents.

2.3. Deceased Darshan Singh son of Mohinder Singh was also unmarried, and the claimants are his widowed mother and sister. Both of them have been held dependent on the deceased, who was aged about twenty-four years at the time of accident. In the absence of any evidence regarding his employment, his income was assessed as that of a labourer, ₹600/-per month. The dependency was assessed at ₹150 per month. By applying a multiplier of '15', the claimants have been held entitled to compensation of ₹27,000 from the respondents.

3. Learned counsel for the claimants has contended that the compensation awarded is on the lower side, and needs to be suitably enhanced. The deceased's income has been wrongly assessed, and the multiplier has also been wrongly applied. Nothing has been awarded for future prospects and under conventional heads. Even the interest on the amount of compensation has been awarded from the date of the order, and not from the date of filing of the claim petition.

4. Learned counsel for the Corporation, on the contrary, contends that income of all the deceased has been correctly assessed as per the prevalent wage rates of unskilled workers at that time. Besides, there is no evidence on record that they were skilled workers or employed anywhere. The dependency has also been rightly assessed, which needs no change. He further contends that twelve per cent per annum rate of interest given by the Tribunal on the amount of compensation is on a higher side, and needs to be suitably reduced keeping in view the prevalent rate of interest

for the last two decades.

5. Arguments addressed by learned counsel for the parties have been considered.

6. So far as the assessment of compensation by the Tribunal is concerned, it needs to be suitably enhanced. The Tribunal has gone wrong in assessing dependency. As per law laid down by the Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another,* 2009 SCC Online SC 797, where the deceased was a bachelor and the claimants are the parents, normally, 50% is deducted as personal and living expenses. Even if the deceased is survived by parents and siblings, only the mother would be considered to be a dependent, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of young non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third. This, however, has not been done by the Tribunal despite the factum of a large number of family members being dependent on the deceased having been established on record, which has not been disputed before this Court either. The Tribunal has also erred in applying the multiplier of '15' in all these cases, which is not according to the age of the deceased. However, their assessed income need not be interfered with since there is no evidence regarding their employment or being skilled in any trait, nor is their age in dispute.

7. Besides, the amount of compensation under the conventional

heads and future prospects has not been awarded as per law settled in *National Insurance Company Limited v. Pranay Sethi and others,* (2017) 16 SCC 680, wherein it was held that the claimants are entitled to an addition of forty per cent to the deceased's income towards future prospects, if he was not in a permanent employment and aged below forty years. Further, reasonable figures under the conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be ₹15,000, ₹40,000 and ₹15,000 respectively. The aforesaid amounts should be enhanced at the rate of ten per cent every three years.

In case of deceased Boota Singh son of Nand Singh

8. The deceased was about twenty-six years of age at the time of accident. Therefore, multiplier of '17' should be used instead of '15'. He was bachelor at the time of accident and seven family members were dependent on him. Accordingly, dependency will be two-third of his income; and compensation under the conventional heads and future prospects is to be given as per the settled law mentioned hereinabove.

In case of deceased Darshan Singh son of Harnek Singh

9. The deceased was aged about nineteen years at the time of accident. Therefore, multiplier of '18' should be used instead of '15'. He was bachelor at the time of accident and out of eight family members, seven were wholly dependent on him. Keeping in view the large family, dependency will be two-third of his income; and compensation under the conventional heads and future prospects is to be given as per the settled law mentioned hereinabove.

In case of deceased Darshan Singh son of Mohinder Singh

10. The deceased was aged about twenty-four years at the time of

accident. Therefore, multiplier of '18' should be used instead of '15'. He was bachelor at the time of accident and had two dependent family members. Accordingly, dependency will be one half of his income. Compensation under the conventional heads and future prospects is to be given as per the settled law mentioned hereinabove.

11. As a result, the appellants/claimants become entitled to the following amount of compensation:

Sr. No.	**Head**	**Compensation**		
		Nand Singh & ors.	Harnek Singh & ors.	Bachan Kaur & anr.
1.	Annual income (600 x 12)	7,200	7,200	7,200
2	Future prospects @ 40% of annual income	2,880	2,880	2,880
3	Total income including future prospects	10,080	10,080	10,080
4	Deduction towards personal expenses	@ 1/3rd (3360) 10,080-3360= 6720	@ 1/3rd (3360) 10,080-3360= 6720	@ 1/2 (5040) 10,080-5040= 5040
5	Multiplier	(17), 6720 x 17 1,14,240	(18), 6720 x 18 1,20,960	(18), 5040 x 18 90,720
6	Loss of consortium (with 20% increase)	48400 x 7 = 3,38,800	48400 x 7 =3,38,800	48400 x 2 =96,800
7	Funeral expenses with 20% increase	18,150	18,150	18,150
8	Loss of estate with 20% increase	18,150	18,150	18,150
9	Total amount of compensation	4,89,340	4,96,060	2,23,820

12. In view of the aforesaid discussion, the appeals stand disposed of by modifying the Tribunal's award, dated 5.2.1988, as under:

i) in FAO No.661 of 1988, the appellants/claimants Nand Singh etc., are held entitled to enhanced compensation of ₹4,89,340;

ii) in FAO No.658 of 1988, appellants/claimants Harnek Singh etc., are held entitled to ₹4,96,060;

iii) in FAO No.657 of 1988, appellants/claimants Bachan Kaur etc., are held entitled to ₹2,23,820.

The aforesaid enhanced compensation amount shall be paid alongwith interest at the rate of seven per cent per annum, from the date of filing of the claim petitions till its realisation. The liability to satisfy the award, share of the claimants, and the procedure of disbursal shall be as already determined by the Tribunal.

13. Pending miscellaneous application(s), if any, stand disposed of accordingly.

14. Photocopy of this order be placed on the connected case files.

(TRIBHUVAN DAHIYA)
JUDGE

8.4.2024
Ashwani

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