



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-518-2007 (O&M)
Date of Decision: July 25, 2024

Beer Kaur
...Appellant

VERSUS

Hakam Singh and others
...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Tarun Singla, Advocate for
Mr.Rajinder Kumar Singla, Advocate
for the appellant.

Mr.Aman Sharma and Mr.Chirag Suri, Advocates
for respondent No.2.

ARCHANA PURI, J.

The present appeal has been filed by the appellant-claimant, who is mother of deceased Jasveer Singh, thereby, questioning the adequacy of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Jasveer Singh, in a motor vehicular accident, which took place on 10.05.2004.

On appraisal of the evidence adduced, while holding the accident to have been caused due to rash and negligent driving of bus bearing registration No.PB-11F-9750, driven by respondent No.1-Hakam Singh, learned Tribunal had granted compensation to the extent of Rs.1,80,000/- to the appellant-claimant.



Being dissatisfied with the extent of compensation awarded, the appellant-claimant has filed the present appeal for seeking enhancement of the compensation.

So far as, the factum of the accident and manner of taking place of the same, as well as the liability, fastened upon the respondents No.1 and 2 is concerned, suffice to consider that no appeal, as such, has been filed by the respondents No.1 and 2, to challenge the same. Hence, there is no necessity to further dwell on these aspects.

It is categoric claim of the appellant-claimant that her son Jasveer Singh was owner of 8 acres of land and was also indulging in the sale of milk and his earnings were Rs.30,000/- per month. However, it has been appropriately observed by learned Tribunal, that no satisfactory evidence, with regard to the aforesaid sources of earnings of the deceased, is coming on record. But anyhow, the jamabandi for the year 2002-03 Ex.A3, has been proved in evidence, which reveals about Gurnaib Singh-father of the deceased Jasveer Singh, who was impleaded as respondent No.4 in the claim petition, is owner to the extent of 7/54 share in the land measuring 26 Kanal.

In the given circumstances, it is quite obvious that Jasveer Singh, a young boy of 20 years, must be rendering assistance to his father, in the agricultural pursuit and therefore, learned Tribunal had appropriately considered the earnings of the deceased as Rs.2000/- per month. However, since the deceased was bachelor, therefore, deduction of 50% ought to be made, on the ground of 'personal expenses' as per ***Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*** and thus,



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the earnings were taken as Rs.1000/- per month, annual whereof was worked upon as Rs.12,000/-. Making it to be so, after applying the multiplier of '15', learned Tribunal had awarded compensation as $\text{Rs.}12000 \times 15 = \text{Rs.}1,80,000/-$.

However, the work on of the compensation, so done by learned Tribunal do call for re-determination, as per prevalent settled law.

So far as, the extent of earnings of the deceased is concerned, appropriate amount as Rs.2000/- per month, has been considered by learned Tribunal. Very rightly, deduction to the extent of 50% has been made, on the count of 'personal expenses' as the deceased was bachelor. Taking it to be so, the loss of dependency, comes to be Rs.12,000/- per annum.

To the said amount, considering the age of the deceased, as per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, addition of 40% ought to be made, on the count of 'future prospects'. Thus, the annual income of the deceased is worked upon as $\text{Rs.}12000 + 4800(40\%) = \text{Rs.}16,800/-$.

So far as, the application of multiplier is concerned, learned Tribunal had applied the multiplier of '15'. However, considering the age of the deceased to be 20 years, as per *Sarla Verma's case (supra)*, the appropriate and suitable multiplier, to be applied is '18' and while applying the same, the loss of dependency, works out to be $\text{Rs.}16800 \times 18 = \text{Rs.}3,02,400/-$.

Besides the same, as per *Pranay Sethi's case (supra)*, under the conventional heads, the appellant-claimant is entitled to compensation on the counts of 'loss of consortium', 'loss of estate' and 'funeral expenses'.

However, at this juncture, it is pertinent to mention that even father of the



deceased Jasveer Singh has been impleaded as respondent No.4, in the claim petition. As per '*Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*', whosoever are the dependents of the deceased/claimants, are entitled to 'parental', 'spousal' or 'filial' consortium, as required. Thus, both father and mother are entitled to the compensation, on the count of 'loss of consortium'.

As per *Pranay Sethi's case (supra)*, the compensation, ought to be paid to the dependents on the count of 'loss of consortium', was to the extent of Rs.40,000/-. However, with the enhancement clause of 10%, after every three years of the passing of the judgment, the compensation, on the aforesaid count, works out to be, Rs.48,400/- to each of the dependents i.e. $Rs.48400 \times 2 = Rs.96,800/-$ and on the similar pattern, on the counts of 'loss of estate' and 'funeral expenses', the compensation payable, comes to be **Rs.18,150/-**, on each count.

Considering the same, the compensation payable to appellant-claimant and respondent No.4, on account of death of Jasveer Singh, is re-computed, as herein given:-

Loss of dependency	:	Rs.3,02,400/-
Loss of consortium	:	Rs.96,800/-
Loss of estate	:	Rs.18,150/-
Funeral expenses	:	Rs.18,150/-
Total	:	Rs.4,35,500/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.4,35,500-1,80,000=Rs.2,55,500/-**. On the enhanced amount of the compensation i.e. **Rs.2,55,500/-**, the appellants-claimants shall be entitled to the interest, at the



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rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. However, out of the enhanced amount, as now awarded, respondent No.4-Gurnaib Singh is held entitled to the amount of Rs.48,400/- and appellant-claimant-Beer Kaur, shall be entitled to residue amount of Rs.2,07,100/-.

Accordingly, the impugned Award dated 05.06.2006 stands modified, to the extent, as indicated aforesaid. The residue terms of the Award, as ordered by learned Tribunal, shall remain the same.

With the above observations, the present appeal stands allowed.

July 25, 2024
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No