



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

FAO-8229-2014 (O&M)
Date of Decision: January 21, 2025

Manjit Kaur and others

...Appellants

VERSUS

Harminder Singh alias Billa and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Naveen Sharma, Advocate for
Mr.Vijay Lath, Advocate for the appellants.

Mr.Aseem Aggarwal, Advocate
for respondent No.3.

ARCHANA PURI, J.

The appellants-claimants have filed the present appeal, thereby seeking enhancement of the compensation granted by learned Motor Accident Claims Tribunal, on account of death of Manpreet Singh, in a motor vehicular accident.

On appraisal of the evidence, brought on record, learned Tribunal had concluded about the accident to have taken place on 05.10.2011, on account of rash and negligent driving of Tavera car bearing registration No.CH-04K-5991, driven by respondent No.1-Harminder Singh alias Billa and the same resulted into death of Manpreet Singh, who was 20 years old. The deceased was student of 5th Semester of Mechanical Engineering, in Doaba College, Raipur. Considering the same and evidence brought on record, learned Tribunal had taken the income of the deceased, who was unmarried as Rs.6,000/- per month, annual whereof comes to be

**FAO-8229-2014****-2-**

Rs.72,000/-. Also, learned Tribunal, considering the deceased to be unmarried, made deduction towards 'personal expenses' to the extent of 50% and the annual residue loss of dependency was taken as Rs.36,000/-. Considering the age of PW-1 Manjit Kaur, mother of the deceased, to be 45 years, multiplier of '13' was applied and the compensation was worked upon as Rs.4,68,000/-. An amount of Rs.5,000/- was granted towards 'funeral expenses, transportation of body'. Thus, total compensation worked upon was Rs.4,73,000/-. However, claimant No.1-Manjit Kaur, being mother of the deceased was only granted the compensation, whereas, other claimants, who are father, sister and brother of the deceased, were not considered as dependents and thus, Manjit Kaur was held entitled to receive the amount of compensation.

Feeling aggrieved, the appellants-claimants, have filed the present appeal, primarily for seeking enhancement of the compensation.

However, the respondents, upon whom the liability was fastened to pay the compensation, have not filed any appeal and do not dispute about the fact of the accident and manner of taking place of the same.

In the light of the educational inputs of the deceased, learned Tribunal had appropriately considered the earnings of the deceased as Rs.6,000/- per month. Even, considering the marital status of the deceased, deduction on the count of 'personal expenses' made to the extent of 50%, is appropriate. However, as per prevalent settled law, the addition on the count of 'future prospects' was not made and also, the suitable multiplier has not been applied. Besides the same, various other counts, as required, have also



been given amiss, in the present case. As such, the work on of the compensation, as made aforesaid, do call for re-determination.

Now, taking the annual earnings of the deceased as Rs.72,000/- per month, 50% deduction, on the count of 'personal expenses' is made and the residue annual income comes to be Rs.36,000/-. To the said amount, addition on the count of 'future prospects' ought to be made. Considering the age of the deceased to be 20 years, 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 $\text{Rs.}36000 + 14400 = \text{Rs.}50,400/-$.

Considering the age of mother of the deceased as 45 years, the multiplier of '13' was applied, but however, the same is not appropriate. As per *Pranay Sethi's case (supra)*, it is the age of the deceased, which ought to be taken into consideration, for application of the appropriate multiplier. Thus, considering the age of the deceased, as per *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, the appropriate and suitable multiplier, to be applied is '18' and thus, by applying the same, the loss of dependency, works out to be $\text{Rs.}50400 \times 18 = \text{Rs.}9,07,200/-$.

As per *Pranay Sethi's case (supra)*, under the conventional heads i.e. 'loss of estate' and 'funeral expenses', an amount of Rs.15,000/- each is required to be granted to the dependents, which also called for further enhancement to the extent of 10%, after period of every three years of passing of the judgment and thus, at present, the compensation payable, on the counts of 'loss of estate' and 'funeral expenses', comes to be **Rs.18,150/-**, on each count. On the count of 'loss of consortium',



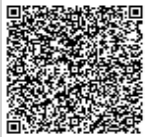
compensation to the extent of Rs.48,400/- is required to be granted. However, as per '*Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*', all the claimants, entitled to 'parental', 'spousal' or 'filial' consortium, as required.

However, at this juncture, it is pertinent to mention that the compensation had been awarded only to the mother. So far as, appellants-claimants No.3 and 4 are concerned, they are the unmarried younger brother and sister of deceased Manpreet Singh. Father of the deceased was alive and at the time of recording of his evidence, he was 48 years and considering his age, definitely, the other siblings of the deceased are bound to be dependent upon their father, more particularly, when the deceased himself was a student. Considering the same, brother and sister of the deceased, are not entitled to any such compensation.

But anyhow, appellant-claimant No.2-Lakhbir Singh, father of the deceased, as such, is held entitled to compensation.

The word '**dependent**' has a different meaning in different connotation. Some may be dependent in terms of money and others may be dependent in terms of service. It is a relative criteria to claim loss of dependency. It is all the more important to consider that a father always is dependent upon the young son, may be in terms of services only. In the given circumstances, this Court deems it appropriate to grant compensation, even to Lakhbir Singh, father of deceased Manpreet Singh.

In consonance with the *Magma's case (supra)*, both appellants-claimants No.1 and 2, who are parents of the deceased, are entitled to Rs.48,000/- each, on the count of 'filial consortium', which comes to



FAO-8229-2014

-5-

Rs.48,400x2=Rs.96,800/-.

Considering the same, the compensation payable to appellants-claimants No.1 and 2, on account of death of Manpreet Singh, is re-computed, as herein given:-

Loss of dependency	:	Rs.9,07,200/-
Loss of estate	:	Rs.18,150/-
Funeral expenses	:	Rs.18,150/-
Loss of consortium	:	Rs.96,800/-
Total	:	Rs.10,40,300/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be Rs.10,40,300-4,73,000=Rs.5,67,300/-. On the enhanced amount of the compensation i.e. Rs.5,67,300/-, the appellants-claimants No.1 and 2 shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. The amount of compensation, as now worked upon, shall be disbursed to the appellants-claimants No.1 and 2 in equal shares. However, the compensation, if any, disbursed to the appellant-claimant No.1-Manjit Kaur, at any earlier stage, shall be adjusted accordingly.

Accordingly, the impugned Award dated 17.07.2013 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.

January 21, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No