

(2012) 08 P&H CK 0245

High Court Of Punjab And Haryana At Chandigarh

Case No: FAO No. 2954 of 2010 (O and M)

Pushpa and Another

APPELLANT

Vs

Gurbhej Singh and and Others

RESPONDENT

Date of Decision: Aug. 22, 2012

Hon'ble Judges: M. Jeyapaul, J

Bench: Single Bench

Advocate: D.K. Gupta, for the Appellant; Suvir Dewan, Advocate, for respondent No. 3-Insurance Company, for the Respondent

Judgement

M. Jeyapaul, J.

The parents of Rakesh Singh, aged 20 years, who died in the motor accident are the appellants herein. They challenged the quantum of compensation arrived at by the Tribunal on the ground that the Tribunal had simply awarded a lump-sum amount of Rs. 2 lacs without considering the earning capacity and the future prospects of the bachelor, who died in the accident. Heard the submission made on either side.

2. It is the admitted case that the deceased Rakesh Singh died at the age of 20 years. By that time he had completed his 12th class. Though, there was some projection on the side of the parents that he was pursuing Hotel Management there was no evidence to establish it and as a result of which the Tribunal rejected the contention that he was pursuing Hotel Management at the time of his death. But the fact remains that he was a bachelor who passed 12th class.

3. The parents are the sole claimants. The mother of the deceased was 45 years old. The Tribunal has notionally arrived at the earning capacity of the deceased and calculated the quantum of compensation applying the multiplier based on the age of the mother. Unfortunately no compensation was awarded towards loss of estate, transportation charges and funeral expenses. It is quite safe to take the bare minimum income of the deceased at Rs. 3000/- per month in the year 2006 when the accident took place.

4. In view of the above a sum of Rs. 3,78,000/- ($3000 + 50\% \text{ thereof} = 4500 - 50\% \text{ thereof} = 2250 \times 12 = 27,000 \times 14 = 3,78,000/-$) towards loss of dependency, Rs. 5,000/- towards loss of estate, Rs. 5,000/- towards transportation charges and Rs. 5,000/- towards funeral expenses aggregating to Rs. 3,93,000/- with interest @ 6% per annum for the enhanced amount from the date of petition till realisation is awarded. Out of the total amount of compensation awarded, the mother of the deceased is entitled to Rs. 2,93,000/- and the father of the deceased is entitled to Rs. 1 lakh. The appeal is allowed in part in the aforesaid terms.