

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.198 of 1992 (O&M)
Date of Decision:23.02.2015

Manjit Kaur and others

....Appellants

Versus

Balwant Singh and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. S.D. Bansal, Advocate for the appellants.

Mr. G.D. Gupta, Advocate for respondent No.2-
National Insurance Company Ltd.

NAVITA SINGH, J.

1. The Motor Accident Claims Tribunal, Chandigarh (Tribunal for short) had awarded the sum of Rs.2,88,000/- to the claimants for the death of Tarlochan Singh, who had met an accident on 11.11.1989. The appellants filed the appeal for enhancement.

2. Counsel for the appellants submitted certain proposal to counsel for the Insurance Company, who agreed that deduction for personal living expenses of the deceased was required to be made to the extent of 1/4th and not to 1/3rd made by the Tribunal and also the amount deducted towards provident fund was to be included. So far as the future prospects are concerned, there was some opposition to the request. Under the conventional heads, the parties submitted that the court may award anything deemed fit.

3. The Tribunal very cryptically assessed the compensation under issue No.2 without mentioning anything as to why nothing was being granted towards funeral expenses and for loss of consortium to the widow. Since the

other heads were not considered, the appellants are entitled to be compensated under the heads mentioned above.

4. So far as the income of the deceased is concerned, it was Rs.2417.85/-, which was taken to be round figure as Rs.2400/- per month. The deceased was working as Clerk-cum-Cashier in State Bank of Patiala and, therefore, had a permanent job with salary which would fetch increments as well. 30% would, therefore, be added to the salary. The income would come to Rs.3120/-. The round figure is taken as Rs.3100/-. Making deduction towards salary for personal living expenses to the extent of 1/4th, the remaining amount will be Rs.2325/- per month. The compensation would, therefore, come to Rs.4,46,400/- applying the multiplier of 16.

5. An amount of Rs.1,00,000/- is awarded to the widow for loss of consortium and an amount of Rs.10,000/- towards funeral expenses as the accident took place in 1989. For loss of love and affection, an amount of Rs.40,000/- is awarded to the children.

6. The total amount payable to the appellants would be Rs.5,96,400/-. Enhanced amount shall get interest at the rate of 6% per annum.

7. The appeal is allowed accordingly.

**(NAVITA SINGH)
JUDGE**

23.02.2015
Ishwar

Whether to be referred to reporter: No