

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

F.A.O No. 5756 of 2014

Date of decision:- 19.11.2015

Reliance General Insurance Co. Ltd.

...Appellant

Versus

Salochana Rani & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sanjeev Kodan, Advocate
for the appellant.

Mr. Sagar Aggarwal, Advocate for
Mr. Ashit Malik, Advocate
for respondent Nos. 1 to 3.

None for respondent Nos. 4 to 5.

Mr. Deepak Girotra, Advocate
for respondent No. 6

Mr. J.S. Chatrath, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No. 7

RITU BAHRI J.

C.M. No. 15945-CII of 2014

For the reasons mentioned in the application, delay of 31
days in filing of the present appeal is condoned.

The application stands disposed of accordingly.

FAO No. 5756 of 2014

This appeal is by the insurance company disputing the

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integrity of this document

liability foisted upon it by the Motor Accident Claims Tribunal, Kurukshetra (for brevity, the tribunal'), vide its order dated 07.04.2014 whereby the appellant-Company (for short 'the appellant') was held liable to make the compensation to the tune of Rs.14,15,330/-.

The claimants alleged that on 29.04.2013 Prince @ Shally aged 24 years along with Harish Kumar @ Raju, Manoj Kumar, Sukh Ram and Ashok Sharma was going from Shahabad to Ludhiana in a car make Maruti Esteem bearing registration No. HR-05-K-5518, being driven by respondent No. 4 and when they reached near Police Station, Shambhu District Patiala on Ambala Ludhiana road, then a truck-trailer bearing registration No. HR-37-C-6635 came from the opposite side and struck against the above car. All the occupants of the car received serious injuries Prince @ Shally and Harish Kumar @ Raju succumbed to their injuries and the other injured were taken to Civil Hospital, Rajpura. F.I.R No. 557 dated 29.04.2013 u/ss 279/337/338/304-A IPC has been registered against the driver of the truck.

The learned Tribunal took the salary of the deceased- Prince @ Shally at Rs.8715 to be that of an unskilled labourer in Haryana and thereafter, added 50% future prospect and the annual dependency comes to Rs.1,56,870/- and thereafter, deducted 50% as he was bachelor and the annual dependency comes to Rs.78,435/- and

applied the multiplier of 18. Rs.10,000 was awarded towards loss of estate and Rs.25,000/- towards funeral expenses. However, while calculating the total compensation, the learned Tribunal has wrongly awarded Rs.14,15,330/- instead of Rs.14,46,830/-.

Learned counsel for the appellant has vehemently argued that the learned Tribunal has wrongly assessed the income of the deceased at Rs.8715/- per month because as per notification of the Haryana Government, the minimum wages of unskilled labourer at the time of accident was Rs.6700/- per month and thus, the award of the Tribunal requires some modification.

The compensation awarded by the tribunal is modified as under:-

Sr. No.	Heads	Calculations
(i)	Salary	Rs.6700/- per month
(ii)	50% of (i) above to be added as future prospects=	Rs.6700+Rs.3350=Rs.10,050/- per month
(iii)	50% deduction as personal expenses	10050-5025=Rs.5025/-
(iv)	Compensation after multiplier of 18 is applied	Rs.5025 X 12 X18= Rs.10,85,400/-
(v)	Loss of Estate	Rs.10,000/-
(vi)	Funeral charges	Rs.25,000/-
	Total Compensation	Rs.11,20,400/-

In view of the above, order/award dated 07.04.2014 passed by the Tribunal is modified to the above extent and the appellant-Insurance Company is held liable to pay the compensation to the

claimants to the tune of Rs.11,20,400/- instead of Rs.14,46,830/-.

The appeal stands allowed to the above extent.

19.11.2015

G Arora

(***RITU BAHRI***)
JUDGE