IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2049 of 2014(O&M)

Date of decision:5.8.2016

Gurnam Singh and others ….Appellants

VERSUS

M/s New Majha Transport Co. and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Neeraj Khanna, Advocate for the appellants.

Mr. Ajay Singla, Advocate for respondent No.3.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in respect of death of Gurmeet Kaur in a motor vehicular accident that occurred on 20.07.2002.

The claim petition was filed under Section 163-A of the Motor Vehicles Act, 1988. Counsel for the appellants has two-fold submissions to make. The first submission made by counsel is that the Motor Accident Claims Tribunal, Amritsar (in short 'the Tribunal') has assessed value of services of the deceased namely Gurmeet Kaur as a house-wife @ Rs.3300/- per month. It is argued that 1/3rd income has been deducted towards personal expenses but in the case of services of a house-wife, no such deduction should have been allowed by the Tribunal. The second submission is that the Tribunal has allowed interest at the rate of 7.5% on the amount of compensation only if the compensation was not paid within two months from the date of award. It is argued that as the appellants have been held entitled to compensation from the date of petition, there is no reason to deny interest from the date of petition till realization.

Counsel for the respondent has supported the award passed by the Tribunal.

I have heard counsel for the parties, perused the records particularly the award passed by the Tribunal.

The Tribunal has assessed notional income of the deceased at Rs.3300/- per month by taking into consideration value of services of a house wife. That being so, no deduction is to be applied. In this context, reference can be made to a Division Bench judgment of this Court Paramjit Singh and another Vs. Dilbagh Singh @ Bagga and others, 2014(1) T.A.C. 585. After setting aside deduction to the extent of 1/3rd, loss of dependency comes to Rs.6,73,200/- (Rs.3300/- x 12 x 17).

The Tribunal has awarded interest at the rate of 7.5% per annum but payable only if the respondents had not paid compensation within a period of 2 months from the date of award. As the appellants are held entitled to receive compensation from the date of petition, they should not be denied benefit of interest merely because the compensation is paid by the respondents within the stipulated period. In view of the above, the appellants shall be entitled to interest at the rate of 7.5% per annum on the compensation assessed by the Tribunal as well as on enhanced compensation from the date of filing of petition till realization.

The enhanced compensation shall be payable to children of the deceased in equal share and the same shall be deposited in a Fixed

Deposit Receipt till they attain the age of majority or for a period of 3 years, whichever is later.

The present appeal is disposed of accordingly.

AUGUST 5, 2016 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no