IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5629 of 2014(O&M)

Date of decision:21.10.2016

Sangeeta and others ….Appellants

VERSUS

The Chandigarh Transport Undertaking and another.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Nitin Mittal, Advocate for the appellants.

Mr. Vishal Sodhi, Advocate of respondent No.1.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Chandigarh (in short 'the Tribunal') in regard to death of Naresh Kumar in a motor vehicular accident that took place on 28.08.2011.

The Tribunal assessed income of the deceased at Rs.20,889/- per month, allowed benefit of future prospects to the extent of 50%, deducted 1/3rd for personal expenses, adopted a multiplier of 15 to compute loss of dependency at Rs.37,60,020/-. In addition, an amount of Rs.100,000/- for loss of consortium and Rs.25,000/- for funeral and last rites has been awarded, making total compensation to Rs.38,85,020/-.

Counsel for the appellants has submitted that the Tribunal has allowed deduction to the extent of 1/3rd in place of 1/4th as claimants are the widow, two minor children and widowed mother of deceased Naresh Kumar. Another submission made is that compensation awarded under conventional heads needs enhancement.

Counsel for the respondent (Insurance Company) has supported the award with the submission that as wife of the deceased Sangeeta is drawing a salary of Rs.30,000/- per month, working as a Teacher in Kendriya Vidyalaya, Dappar, District Mohali, the Tribunal has rightly allowed deduction to the extent of 1/3rd.

I have heard counsel for the parties, perused the paper-book particularly the award passed by the Tribunal.

So far as the plea of the claimants with regard to deduction for personal and living expenses of the deceased, as widow of the deceased is getting more salary than what was being earned by the deceased himself, the Tribunal has rightly allowed deduction to the extent of 1/3rd. However, the minor children of the deceased shall be entitled to an amount of Rs.1,50,000/- in equal share and mother Rs.50,000/- for loss of love and affection. The claimants are awarded an amount of Rs.25,000/- for loss of estate. The enhanced compensation of Rs.2,25,000/- shall be paid to minor children of the deceased in equal share with interest at the rate of 7.5% per annum from the date of petition till realization, to be deposited in a Fixed Deposit Receipt till they attain the age of majority. The interest accruing on FDRs shall be paid to mother of the children for meeting expenses on their living and education.

The appeal is partly allowed in the aforesaid terms.

OCTOBER 21, 2016 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no