

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2647 of 2011 (O&M)
Date of Decision: February 14, 2017

Kiran Sharma and others

..Appellant(s)

Versus

Avtar Singh and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ashok Bector, Advocate
for the appellants.

Mr. Rajneesh Malhotra, Advocate
for respondent no.3-insurance company.

ANITA CHAUDHRY, J.

This is the claimants' appeal seeking enhancement in the compensation allowed to them by the Motor Accident Claims Tribunal, Rupnagar vide award dated 17.01.2011.

Manoj Kumar, a Head Constable with Punjab Police died in an accident, which took place on 20.03.2008. The Tribunal took the salary i.e. Rs.15,210/- and calculated the compensation by making a deduction of 1/3rd and applying the multiplier of 14, calculated the compensation at Rs.16,80,000/-. A sum of Rs.50,000/- was allowed for loss of consortium, loss of love and affection, funeral expenses and transportation charges. The total compensation payable was Rs.17,30,000/-, to be paid with interest @ 7.5% per annum jointly by

all the respondents. It was also ordered that in case the amount was not paid within one month then they would be entitled to interest @ 11%.

The counsel for the appellants submits that considering the number of claimants, the deduction should have been $\frac{1}{4}^{\text{th}}$ and 30% should have been added towards future prospects. It was urged that only a sum of Rs.50,000/- has been allowed for loss of consortium, loss of love and affection, funeral expenses and transportation charges and separate amount should have been allowed for each head and they were also entitled to compensation of Rs.1 lac for loss of consortium and loss of love and affection.

The deceased was a Head Constable with Punjab Police. He was getting a salary of Rs.15,210/- per month. The deceased was 41 years of age, therefore, 30% should have been added towards future prospects. If the addition is made then the income would come to Rs.19,773/- per month (rounded off to Rs.19,770/-) and considering the family members, the deduction should have been $\frac{1}{4}^{\text{th}}$ and the compensation would come to Rs. $19,770 \times 12 \times 14 \times \frac{3}{4} =$ Rs.24,91,000/-. To this an addition of Rs.1 lac is made for loss of consortium and Rs.1 lac is added for loss of love and affection.

The total compensation payable now would be Rs.24,91,000/- + 2,00,000/- = 26,91,000/-. The Tribunal had allowed Rs.50,000/-, which can be taken as the amount on the head of funeral expenses and transportation charges. The Tribunal had allowed Rs.17,30,000/-, which would be deducted and the remaining amount of Rs.10,11,000/- would be payable with interest @ 6% per annum from

the date of filing of the appeal i.e. 15.02.2011 till realization. The amount would be shared in the same ratio as was allowed by the Tribunal. The share of the minors would be deposited in the fixed deposit till they attain majority.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

February 14, 2017
sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No