IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. FAO No.5955 of 2012 (O&M)

Smt. Satnam Kaur and others ... Appellants

Versus

Ranbir Singh and others ... Respondents

2. **FAO No.5956 of 2012 (O&M)**

Smt. Satnam Kaur and others ... Appellants

Versus

Ranbir Singh and others ... Respondents

Date of Decision: 03.10.2017

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Inderjeet Sharma, Advocate,
for the appellants.

Mr. Lalit Garg, Advocate,
for respondent No.4.

****

RAJIV NARAIN RAINA, J.

This order will dispose of FAO No.5955 of 2012 titled *Smt. Satnam Kaur and others v. Ranbir Singh and others* & FAO No.5956 of 2012 titled *Smt. Satnam Kaur and others v. Ranbir Singh and others*. The appeals are treated and decided under two headings for convenience in a joint order. The accident is common.

FAO No.5955 of 2012

This is an appeal by claimants for enhancement of compensation. The Motor Accident Claims Tribunal, Ambala has awarded a total compensation of ₹9,70,000/- with interest at the rate of 7.5% from the date of application till the date of payment.

Heard learned counsel for the respective parties.

It may be mentioned that the deceased Manjit Singh was riding the ill-fated motorcycle with his 20 years old daughter sitting pillion with her father when they met with the fatal accident on August 23, 2010. The offending truck was insured and driver held a valid driving licence and, therefore, the liability to pay compensation was on the insurer to indemnify the insured.

Two claim applications were filed one for the death of Manjit Singh and other for the death of Parminder Kaur @ Parwinder Kaur succumbing to the injuries received in the same accident. This makes for two appeals which are decided today.

This appeal is disposed of with the following enhancements:-

Compensation of consortium is increased from ₹5000/- to ₹1 lakh in view of Rajesh and others v. Rajbir and others, (2013) 9 SCC 54. Loss of love and affection following the death of the 40 year old victim is granted at the rate of ₹50,000/- to the major son and equal amount to the parents. Funeral expenses are increased from ₹5000/- to ₹25000/-. Loss to estate is given at the scheduled rate of ₹5000/-.

Compensation for future prospects has not been awarded by the MACT, Ambala and deserves to be given in view of the law. The deceased was a non-salaried person and, therefore, he deserves to be awarded 30% of the income with the multiplier of 15 applied. The amount towards future prospects will be determined by the Insurance Company at the above rate and deposited before the Tribunal within one month from the date of receipt of certified copy of this order. The Tribunal will not disburse this amount to the claimants and keep it in Fixed Deposit to earn interest to await the decision of the Supreme Court in view of SLP No.8058 of 2014, National Insurance Company Ltd. v. Pushpa and others. The interest on the other amounts will run at the rate given by the Tribunal i.e. 7.5% in the same terms. Appeal is partly allowed and the award stands modified.

FAO No.5956 of 2012

In this case, the Tribunal at Ambala has awarded to the same claimants as in the connected appeal. The Tribunal has awarded a sum of ₹3,65,000/- to the claimants on account of death of the girl with interest at the rate of 7.5% from the date of the petition to the date of realization.

Once again, heard learned counsel for the parties for some time in this case as well.

There is no doubt that enhancement is required in the general heads since only ₹5,000/- has been awarded for funeral expenses which deserves to be enhanced to ₹25,000/-. Moreover, no compensation has been awarded to the mother for loss of love and affection, future prospects and help hand in the performance of daily chores that daughters do before and after marriage in their parental homes to which they remain attached often unlike men folk. Thus on this account a sum of ₹4 lakh (including ₹2 lakhs for future prospects) deserves to be granted to the mother for the death of the single daughter. However, the amounts to the grandmother and the grandfather are maintained as awarded. Loss of the estate would bring another ₹5000/- as per schedule. It is ordered accordingly.

Since the amounts are small towards future prospects and loss of love and affection and the victim being a girl child I would not compel deposit in the Tribunal to await decision of the Supreme Court as ordered in the case above. This course will also bring additional and immediate succour to the bereaved family left behind. The respondent-Insurance Company would determine the amount under this order and deposit the same in the same manner as in the above appeal together with the same rate of interest within the same time since the two appeals have been decided by a common judgment.

As a result of the above, this appeal is also partly allowed and accordingly both the appeals stand disposed of and the award stands modified in the above terms.

(RAJIV NARAIN RAINA)
JUDGE

03.10.2017
manju

Whether speaking/reasoned *Yes*

Whether reportable *No*