IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-870-2012 (O&M)
Date of decision: 16.11.2017

AJMER KAUR ...Appellant

Versus

JAGTAR SINGH AND ORS ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellant.

Ms. Vandana Malhotra, Advocate
for the insurance company.

****

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation in regard to death of Mewa Singh in a motor vehicular accident that took place on 03.12.2009.

The Tribunal assessed income of the deceased @ Rs.3000/- per month, deducted 50% for personal expenses and applied multiplier of 10 to compute loss of dependency at Rs.1,80,000/-, payable with interest @ 7% per annum from the date of award till realization.

Perusal of records of the Tribunal would reveal that the application for compensation was filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act'), therefore, compensation is to be assessed in the light of structured formula provided in the Second Schedule appended to Section 163-A of the Act. The claimant in the application alleged that monthly income of the deceased was Rs.3000/- per month and the same was allowed by the Tribunal. Deduction for personal expenses would be 1/3rd in place of 50% and the admissible multiplier would be 17 as the deceased was 21 years old. In this manner, loss of dependency comes to Rs.3000 x 12 x 17 - 1/3rd = Rs.4,08,000/-.

The claimant shall be entitled to an amount of Rs.2000/- for funeral expenses and Rs.2500/- for loss of estate. The total compensation comes to Rs.4,12,500/- and the additional amount is Rs.2,32,500/- (4,12,500 – 1,80,000), payable with interest @ 7.5% per annum from the date of petition till realization.

The Tribunal has awarded interest @ 7% per annum from the date of award till realization. There is no reason assigned by the Tribunal as to why the claimant is not entitled to pendente lite interest. Perusal of the award would reveal that application for compensation was filed on 17.07.2010 and decided on 29.10.2011. Under the circumstances, the claimant shall be entitled to interest @ 7% per annum on the amount assessed by the Tribunal from the date of petition till realization.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

16.11.2017 **(REKHA MITTAL)**
ashok **JUDGE**

Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No