In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 10252 of 2014
Date of Decision: 15.12.2017

Bindi Devi and others ......Appellants

Versus

Chander Shekhar and others ....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vikram Bali, Advocate
for the appellants.

Ms. Monika, Advocate
for Mr. S.K.Biriwal, Advocate
for respondents No. 1 and 2.

Mr. Shivam Grover, Advocate
for respondent No. 3.

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ANITA CHAUDHRY, J

This is the claimant's appeal seeking enhancement in the award dated 13.1.2011 passed by Motor Accident Claims Tribunal, Panchkula.

Ramanand was a retired Forest Ranger working with Himachal Pradesh Government. His widow and major son filed a claim petition seeking compensation for his death on 14.3.2006 in an accident. Ramanand had retired on 31.5.2005. The Tribunal though noted his income but held that his family would get the pension which after commutation was Rs. 3770/- per month. The Tribunal observed that there would have no financial loss on account of agricultural income as it would have remained with the family and awarded a lump-sum of Rs. 50,000/-.

The submission on behalf of the appellants is that the deceased was a pensioner and after commutation, he was getting Rs. 3770/- per month and that is the amount on which the calculations should have been made and the compensation should not have been denied simply because the family pension would be received by the widow.

Counsel for the insurance company had also pointed out to the order dated 24.5.2016 with respect to delay.

The deceased had died in an accident and was getting pension of Rs. 3770/- per month. This is the amount which will have to be considered. There were certain recoveries therefore the pension amount was reduced. I would take this figure as the loss. Since the deceased was under 60 years of age there would be an addition of 15%. The pension are revised from time to time and the income for the purpose of calculations would be 4335/-. A deduction of ½ has to be made as the only dependent would be the widow. The calculations would be made on Rs. 2167/- and the compensation would be Rs. 2167 x 12 x 9 = 2,34,036/-. To this, a sum of Rs. 10,000/- should be added for loss of estate, Rs. 10,000/- for funeral expenses and Rs. 25,000/- for loss of consortium. The total amount payable would be Rs. 2,79,036/-. The Tribunal had allowed Rs. 50,000/- which would be deducted and the remaining amount i.e. Rs. 2,29,036/- would be payable by the insurance company in two months from the receipt of copy of the judgment. If the amount is not paid within the given period then the claimants would be entitled to interest @ 6% from the date of the order.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

December 15, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No