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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.303 of 2013 (O&M)
Date of Decision: 17.08.2017

NATIONAL INSURANCE CO. LTD.
......Appellant

Vs

DALJIT KAUR AND ORS
....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Ashwani Talwar, Advocate
Ms. Veena Talwar, Advocate and
Mr. Akash Sridhar, Advocate
for the appellant.

Mr. Ashwani Arora, Advocate
for respondent Nos.1 to 3.

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RAJ MOHAN SINGH, J. (Oral)

[1]. This is an appeal filed by the Insurance Company against the award dated 01.10.2012 passed by the Motor Accident Claims Tribunal, SAS Nagar, Mohali (hereinafter to be referred as 'the Tribunal') thereby awarding a total compensation to the tune of Rs.32,22,088/- along with interest in favour of the claimants.

[2]. The deceased Tarlochan Singh was working as a Sub-Inspector in the Punjab Police. He was drawing monthly salary

of Rs.35,030/- (rounded of to Rs.35,000/- for the purposes of calculations). The annual salary would come out to be Rs.4,20,000/- (35,000 x 12). There was a tax deduction to the tune of Rs.3540/- per month i.e. Rs.42,480/- per annum. In this way the net salary payable to the deceased Tarlochan Singh would come out to be Rs.3,77,520/- per annum. After deduction 1/3rd towards his personal expenses, the dependency of the family can be assessed to be Rs.2,51,680/-. Keeping in view of ratio laid down in ***Sarla Verma vs. Delhi Transportation Corporation, 2009 ACJ 1298 (SC)*** on the basis of age of the deceased, multiplier of 11 is to be applied as the deceased was 54 years of age at the time of accident on 12.12.2009. In this way, total amount to the tune of Rs.27,68,480/- (2,51,680 x 11) can be assessed.

[3]. There are three claimants. Claimant No.1 is the widow, whereas claimant Nos.2 and 3 are the son and daughter. In view of ratio laid down in ***Smt. Neeta w/o Kallappa Kadolkar and others vs. The Divn. Manager, MSRTC, Kolhapur, 2015 (1) RCR (Civil) 625***, each of the claimants are entitled to an amount of Rs.1,00,000/- towards loss of love and affection. Claimant No.1 being the widow is also entitled to an amount of Rs.1,00,000/- towards consortium and an amount of Rs.25,000/- towards funeral expenses under the conventional head.

[4]. If the aforesaid amount of Rs.4,25,000/- is further added with the amount of Rs.27,68,480/- the total amount of compensation would come out to be almost at par with amount granted by the Tribunal. The Tribunal has not awarded anything towards future prospects.

[5]. In view of above, this Court is not inclined to interfere on marginal notes, however due assessment is made towards computation to the total amount payable to the claimants, even with the deduction of tax, in my considered opinion, the tally would come to square.

[6]. In view of above, I do not see any justification for interfering in the appeal. The same is accordingly dismissed.

August 17, 2017 **(RAJ MOHAN SINGH)**
Atik **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No