

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4314 of 2016 (O&M)
Date of Order: 09.11.2017

Chandigarh Transport Undertaking

..Petitioner

Versus

Muni Lal Nagpal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Suman Jain, Advocate with
Mr. Shubham Jain, Advocate,
for the petitioner.

Mr. Vaibhav Sehgal, Advocate,
for respondent nos.1 to 3.

ANIL KSHETARPAL, J (Oral)

The appellant is in appeal against the award passed by the Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'the Tribunal').

Late Smt. Pushpa Nagpal, lost her life in an accident on 07.06.2014. Learned Tribunal has awarded compensation of Rs.7,50,000/-.

I have heard counsel for the parties at length and with their able assistance gone through the award passed by the learned Tribunal.

Learned counsel for the appellant has submitted that the deceased was a house wife and the Court at one stage assessed the loss of services at Rs.30,000- per annum but in the subsequent part, Court assessed the monetary value of the services rendered by the deceased at Rs.5 000/- per month.

A closure look at the judgment passed would show that the

learned Tribunal after relying upon the judgment passed by the Hon'ble Supreme Court reported as **Arun Kumar Aggarwal v. National Insurance Company Limited 2010 (3) RCR (Civil), 827**, assessed the loss of services of a house wife at Rs.5000/- per month. This Court does not find any reason to differ with the findings arrived at by the learned Tribunal, particularly taking into consideration the accident took place on 07.06.2014 and she was wife of a retired engineer.

Learned counsel for the appellant has further submitted that as per the recent judgment of the Constitutional Bench of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, Special Leave Petition(Civil) No.25590 of 2014**, decided on 31.10.2017, compensation under the conventional heads at the most can be Rs.70,000/- i.e. Rs.40,000/- on account of loss of consortium to the spouse and Rs.15000/- on account of funeral expenses and Rs.15,000/- on account of loss of estate, although the learned Tribunal has awarded Rs.2,75,000/-.

There is force in the submission of learned counsel for the appellant. The compensation payable under the conventional heads shall stands reduced to Rs.70,000/-

In view of the aforesaid, the award passed by the learned Tribunal is modified and the compensation awarded is reduced by Rs.2,05,000/-. Details whereof are as under:-

<i>Heads</i>	<i>Compensation awarded by MACT</i>	<i>Compensation awarded by High Court</i>
Income Taken	Rs. 5000/- per month	Rs.5000/- per month
Annual loss of dependency (Multiplier=7)	Rs.5000x12x7=4,20,000/-	Rs.5000x12x7=4,20,000/-
Funeral Expenses	Rs.25,000/-	Rs.15,000/-
Loss of Consortium	Rs.1,00,000/-	Rs.40,000/-
Loss of Estate	NIL	Rs.15,000/-

<i>Heads</i>	<i>Compensation awarded by MACT</i>	<i>Compensation awarded by High Court</i>
Love and affection to claimant Nos.2 to 4	Rs.50,000/-each Rs.50,000x3=1,50,000/-	NIL
Medical Bills	Rs.15,000/-	Rs.15,000/-
Pain and Sufferings	Rs.40,000/-	Rs.40,000/-
Total compensation awarded	Rs.7,50,000/-	Rs.5,45,000/-

With these observations, the appeal is partly allowed.

November 09, 2017
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(ANIL KSHETARPAL)
JUDGE

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