

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.7493 of 2014 (O&M)
Date of Decision: September 15, 2017

Paramjit Kaur and others

..Appellants

Versus

Davinder Singh and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Kuldeep Singh Ahluwalia, Advocate
for the appellants.

Mr. Subhash Goyal, Advocate
for respondent no.3-insurance company.

REKHA MITTAL, J.

CM-20064-CII-2014

Prayer in this application is for condoning delay of 270 days in
re-filing the appeal.

In view of the averments made in the application supported by
an affidavit of counsel for the applicants/appellants, the application is
allowed and delay of 270 days in re-filing the appeal stands condoned.

CM-20065-CII-2014

Prayer in this application is for condoning delay of 614 days in
filing the appeal.

In view of averments made in the application supported by an
affidavit of one of the appellants namely Smt. Paramjit Kaur and arguments
advanced by counsel for the parties, the application is allowed and delay of

614 days in filing the appeal stands condoned subject to the condition that in case the appellants succeed in appeal, they will forgo interest for the period of delay.

Main Case

The claimants are in appeal seeking enhancement of compensation in regard to death of Ajaib Singh in a motor vehicular accident that took place on 24.11.2007.

The Motor Accidents Claims Tribunal, Sangrur (hereinafter to be referred as the Tribunal) assessed monthly income of the deceased at Rs.12,677/-, added 50% towards future prospects, deducted Rs.6,818/- towards income tax and 1/4th towards personal expenses and computed loss of dependency at Rs.24,90,330/- after applying a multiplier of 15. In addition, an amount of Rs.5,000/- has been awarded on account of loss of love & affection and consortium and another sum of Rs.5,000/- for expenses on funeral making total compensation to Rs.25,00,330/-, payable with interest @ 6% per annum from the date of petition till realization to be apportioned amongst the claimants, detailed in concluding para of the award.

Counsel for the appellants has submitted that Ajaib Singh was born on 02.05.1971 and died on 24.11.2007, therefore, he was less than 37 years of age. Compensation under conventional heads needs enhancement.

Counsel representing the insurance company has submitted that adequate compensation has been awarded.

I have heard counsel for the parties, perused the paper book particularly the award.

As has been noticed hereinbefore, the Tribunal has awarded an amount of Rs.10,000/- under two heads namely loss of love & affection and

consortium and expenses on funeral. In the light of judgments of Hon'ble the Supreme Court of India *Rajesh and others Vs. Rajbir Singh and others 2013(3) RCR (Civil) 170* and *Vimal Kanwar & Ors. Vs. Kishore Dan & Ors. 2013(2) RCR (Civil) 945*, the claimants shall be entitled to compensation under conventional heads, detailed here under:-

Sr. No.	Head of Compensation	Amount
1.	Loss of consortium to the widow	Rs.1,00,000/-
2.	Loss of love & affection, care and protection for the minor children (to be shared equally)	Rs.1,50,000/-
3.	Loss of love & affection to the mother	Rs.50,000/-
4.	Expenses on funeral/last rites	Rs.25,000/-
5.	Loss of estate	Rs.25,000/-
	TOTAL	Rs.3,50,000/-

The additional amount of Rs.3,40,000/- (Rs.3,50,000/- - Rs.10,000/-) shall be payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 614 days, to the children of the deceased except an amount of Rs.1,00,000/- to the widow and Rs.50,000/- to mother of the deceased. The amount falling to share of the children shall be deposited in Fixed Deposit Receipt till they attain the age of majority or for a period of three years, whichever is later. The claimants shall not be entitled to raise any loan against the FDRs.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

September 15, 2017
Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No