

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.7318 of 2015 (O&M)
Date of decision: 14.12.2017

Rihana and others

.... Appellants

versus

Arshad and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Arjun Attri, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for respondent No.3.

Rekha Mittal, J(Oral)

CM No.22937-CII of 2015

Prayer in this application is for condoning delay of 242 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit by Rihana, widow of the deceased, the application is allowed. Delay of 242 days in filing the appeal stands condoned subject to condition that in case the appellants succeed in appeal, they will forego interest for the period of delay.

Disposed of accordingly.

FAO No.7318 of 2015

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Mewat (in short 'the Tribunal') in regard to death of Altaf Hussain in a motor vehicular

accident that took place on 07.10.2013.

The Tribunal awarded compensation to the tune of Rs.8,23,872/- (rounded off to Rs.8,23,900/-), detailed hereunder:

Monthly income of the deceased	Rs.5,200/-
Deduction for personal expenses	1/3 rd
Multiplier	18
Loss of Dependency	Rs.7,48,872/- (Rs.3467 x 18 x 12)
Loss of consortium	Rs.50,000/-
Expenses on last rites	Rs.25,000/-

Counsel for the claimants would urge that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 40% as the deceased was 22 years old.

Counsel representing the insurance company, on the other hand, has submitted that compensation under conventional heads is more than what is permissible in the light of latest judgment of Hon'ble the Apex Court ***National Insurance Company Ltd. vs. Pranay Sethi, 2017 SCC 270.***

There is no dispute that the deceased was 22 years old. The claimants shall be entitled to increase in income for future prospects to the extent of 40%. The multiplier and deduction for personal expenses allowed by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs.10,48,421/- i.e. Rs.7,48,872/- (Rs.3467 x 12 x 18) + Rs.2,99,549/- (40% towards future prospects) .

Under conventional heads, claimants are entitled to following compensation in the light of judgment in ***Pranay Sethi's case(supra):***

Loss of consortium = Rs.40,000/-

Funeral expenses = Rs.15,000/-

loss of estate = Rs.15,000/-

In view of the above, total compensation comes to Rs.11,18,421/- and the enhanced compensation is Rs.2,94,521/- (Rs.11,18,421/- - Rs.8,23,900/-). The enhanced compensation shall carry interest @ 7.5% per annum from the date of filing of petition till realisation, except for the period of delay, payable to widow of deceased, to be invested in a fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

14.12.2017
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(Rekha Mittal)
Judge

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No