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

Date of decision: 26.7.2018

1. **FAO No. 666 of 2003(O&M)**

Smt. Sunita and another …..Appellants

VERSUS

Jatinder Singh and others .....Respondents

Present: None for the appellants.

Mr. Pardeep Goyal, Advocate and
Mr. Neeraj Khanna, Advocate for respondent No.3.

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2. **FAO No. 667 of 2003(O&M)**

Smt. Sunita and another …..Appellants

VERSUS

Jatinder Singh and others .....Respondents

Present: None for the appellants.

Mr. Pardeep Goyal, Advocate and
Mr. Neeraj Khanna, Advocate for respondent No.3.

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.666 and 667 of 2003 as these have emanated from the same accident that took place on 14.05.2000 in which Harjinder Singh and Surinder Singh, real brothers and sons of claimants passed away.

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The insurance company has been held liable to pay compensation without any right of recovery, therefore, impleading LRs of respondent No.1, driver and co-owner of trolla No.PB-05F-9292 is dispensed with.

FAO No.666 of 2003

With regard to death of Harjinder SIngh, aged about 18 ½ years, the Motor Accidents Claims Tribunal, Amritsar (in short 'the Tribunal') has allowed compensation of Rs.2,84,600/- detailed hereunder:-

Monthly income of the deceased	Rs.3500/-
Deduction for personal expenses	1/3rd i.e. Rs.1170/-
Monthly dependency	Rs.2300/-
Multiplier	10
Loss of dependency	Rs.2,79,600/-
Expenses on last rites	Rs.5000/-

There is no scope for intervention with regard to income of the deceased and deduction for personal expenses. However, as the deceased was 18 ½ years old, admissible multiplier in the light of Second Schedule appended to Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act') would be 16. In this manner, loss of dependency is calculated at Rs.4,48,000/- [Rs.6,72,000/- (Rs.3500/- x 12 x 16) – Rs.2,24,000/- (1/3rd deduction towards personal expenses)]

Under conventional heads, the claimants are entitled to a sum of Rs.4500/- i.e. Rs.2000/- for funeral expenses and Rs.2500/- for loss to estate but the Tribunal has allowed compensation of Rs.5000/- and the same is affirmed.

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In view of the above, total compensation comes to Rs.4,53,000/- and the additional amount is Rs.1,68,400/- (Rs.4,53,000/- - Rs.2,84,600/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

FAO No.667 of 2003

With regard to death of Surinder Singh, aged about 17 ½ years, the Tribunal has allowed compensation of Rs.2,45,000/- detailed hereunder:-

Monthly income of the deceased	Rs.3000/-
Deduction for personal expenses	1/3rd
Monthly dependency	Rs.2000/-
Multiplier	10
Loss of dependency	Rs.2,40,000/-
Expenses on last rites	Rs.5000/-

There is no scope for intervention with regard to income of the deceased and deduction for personal expenses. However, as the deceased was 17 ½ years old, admissible multiplier in the light of Second Schedule appended to Section 163-A of the Act would be 16. In this manner, loss of dependency is calculated at Rs.3,84,000/- [Rs.5,76,000/- (Rs.3000/- x 12 x 16) – Rs.1,92,000/- (1/3rd deduction towards personal expenses)].

Under conventional heads, the claimants are entitled to a sum of Rs.4500/- i.e. Rs.2000/- for funeral expenses and Rs.2500/- for loss to estate but the Tribunal has allowed compensation of Rs.5000/- and the same is affirmed.

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In view of the above, total compensation comes to Rs.3,89,000/- and the additional amount is Rs.1,44,000/- (Rs.3,89,000/- - Rs.2,45,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

JULY 26, 2018 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no

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