

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

**FAO No.3975 of 2003 (O&M)**

Date of Decision: April 17, 2018

Kamla devi and others

...Appellants

Versus

Zamil and others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present: Ms.Madhulika Simhar, Advocate  
for Mr.Satya Narayan Yadav, Advocate  
for the appellants.

Mr.R.C.Kapoor, Advocate  
for respondent – Insurance Company.

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HARINDER SINGH SIDHU, J.

The claimants have filed the present appeal for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Rewari (for short 'the Tribunal') vide its award dated 08.05.2002.

Brief facts as disclosed in the claim petition are that on 28.02.1998 in the area near T point of Sahibi river in the area of village Khaliwas on National Highway, Sohana a vehicular accident took place involving Truck No.HNM 1307 (herein for short 'the offending vehicle'), wherein, Muni Lal lost his life. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was also registered.

The Tribunal assessed the income of the deceased at Rs.1800/- per

month, deducted 1/3<sup>rd</sup> towards his personal expenses, applied the multiplier

of 5 (deceased aged 62 years). The loss of dependency was assessed at Rs.72000/-. Besides, a sum of Rs.10000/- (wrongly written as Rs.1000/- in impugned award) as 'funeral expenses' was also awarded. In all, compensation of Rs.82000/- along with interest was awarded.

Feeling dissatisfied with the quantum of compensation, the claimants are before this Court.

It is argued on behalf of the claimants/appellants that the Tribunal has neither followed settled procedure while assessing the compensation nor the proper multiplier has been applied to assess the loss of dependency. It is further argued that no separate amounts have been awarded under different conventional heads as per the settled law.

Having heard learned counsel for the parties as per the decision of the Hon'ble Supreme Court in National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 AIR(SC) 5157, the compensation is re-assessed as under:-

| Sr.No. | Heads                                                                                                           | Calculation (In Rs.)       |
|--------|-----------------------------------------------------------------------------------------------------------------|----------------------------|
| (i)    | Monthly Income                                                                                                  | 1800/-                     |
| (iii)  | Monthly dependency (1/3 <sup>rd</sup> of (ii) deducted as personal expenses of the deceased - three dependants) | 1800-(1800x1/3)=<br>1200/- |
| (iv)   | Loss of dependency after multiplier of 7 is applied                                                             | 1200x12x7=<br>1,00,800/-   |
| (v)    | Loss of Consortium (Exclusively payable to the widow of deceased)                                               | 40,000/-                   |
| (vi)   | Loss of Estate                                                                                                  | 15,000/-                   |
| (vii)  | Funeral Expenses                                                                                                | 15,000/-                   |
|        | <b>Total</b>                                                                                                    | <b>1,70,800/-</b>          |

Hence, the appeal is allowed. The Award of the Tribunal is modified to the extent that the appellants are held entitled to total

compensation of Rs.1,70,800/-, that is, Rs.88,800/- (170800-82000) over and above the amount awarded by the Tribunal. Interest shall be paid on the enhanced amount at the rate of 7.5% per annum from the date of filing of claim application till realisation.

April 17, 2018

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( **HARINDER SINGH SIDHU** )  
**JUDGE**

|                             |          |
|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |