

FAO No.1766 of 2001 (O&M)

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

FAO No.1766 of 2001 (O&M)

Date of decision: 27.03.2018

Sumitra

.....Appellant

versus

Mahesh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Amrit Paul, Advocate, for the appellant.

Mr. Sanjeev Pabbi, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Unburnt set of copies of the grounds of appeal along with impugned award produced in Court today by learned counsel for the appellant, is taken on record. Office to tag the same at an appropriate place.

This appeal has been filed by the widow of deceased Surrender for enhancement of compensation awarded by Motor Accident Claims Tribunal, Hisar, vide award dated 18.10.2000.

Both the parties are *ad idem* that this appeal has to be decided in accordance with the guidelines laid down by the Hon'ble Supreme Court in ***National Insurance Co. Ltd. Vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009.***

As per learned counsel for the appellant, enhanced compensation to the extent of share of the sole appellant comes to ₹1,58,428/- (rounded off ₹1,58,500/-) over and above the compensation already awarded by the Tribunal inasmuch as while taking the salary of the deceased at ₹4,054/- per month and adding 50% to the same, total dependency of the appellant and

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her mother-in-law, performa respondent No.4, comes to ₹6,081/- per month. Since mother of the deceased has not filed any appeal, therefore, 50% is being deducted towards personal expenses of the deceased. After deducting the same, the dependency of the sole appellant upon the deceased comes to ₹3,040/- per month. Multiplier of 18 has to be applied, keeping in view the age of the deceased as less than 25 years at the time of his accidental death. After adding 50% amount of ₹70,000/- payable under the conventional head, the compensation payable to the appellant comes to ₹6,91,856. The Tribunal has already awarded a sum of ₹3,75,000/-. Therefore, balance amount comes to ₹3,16,856/-, out of which 50% share of the appellant comes to ₹1,58,428/-.

In view of above, this appeal is disposed of granting enhanced compensation of ₹1,58,428/- to the sole appellant along with interest @ 7.5% per annum from the date of filing of the claim petition till realization. Respondent-Insurance Company is directed to deposit the aforesaid amount along with upto date interest within one month from today before the Tribunal for onward disbursement of the same to appellant-Sumitra widow of deceased Surender, in accordance with law.

March 27, 2018

R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.