

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

FAO No. 2244 of 2011

DATE OF DECISION : 10.05.2018

Nirmal Kaur and another

....APPELLANTS

Versus

Nasib Singh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Pardeep Rajput, Advocate,
for the appellants.

Mr. Prabhjot, Advocate, for
Mr. Nakul Sharma, Advocate,
for respondent No.1.

Mr. Inderjit Sharma, Advocate, for
Mr. R.C. Gupta, Advocate,
for respondent No.3.

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AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed by the claimants against the award dated 20.04.2010 passed by the Motor Accident Claims Tribunal, Amritsar (for short, 'the Tribunal').

2. In a motor vehicular accident that took place on 04.11.2007, Sarabjit Singh, aged 60 years, lost his life. He along with Darshan Singh was going on a motor cycle bearing registration No. PB-46-3811. The said motor cycle was struck by a mini bus bearing registration No. PB-05-M-0985 (for short, 'the offending vehicle'). FIR No. 344 dated 04.11.2007 was registered.

3. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by the widow and daughter of the deceased.

4. Before the Tribunal, the claimants failed to prove the profession and earning of the deceased. The Tribunal assessed the earning of the deceased as ₹ 4,500/- per month. One-third deduction was made for self expenses of the deceased, and the multiplier of 9 was applied. The Tribunal awarded compensation of ₹ 3,39,000/- along with interest at the rate of 7.5% per annum. The amount awarded included ₹ 5,000/- each for funeral expenses, loss of consortium and loss of love and affection.

5. In the present appeal, the only issue raised is that the amounts awarded under the conventional heads are on the lower side.

6. The contention raised by learned counsel for the appellants deserves acceptance. In view of a decision of the Supreme Court in *National Insurance Company Limited Versus Pranay Sethi and others*, AIR 2017 (SC) 5157, the appellants are entitled to ₹ 70,000/- under the conventional heads, i.e. ₹ 15,000/- each for funeral expenses and loss of estate and ₹ 40,000/- for loss of consortium. No amount can be awarded for loss of love and affection.

7. In view of decision of the Supreme Court in *Pranay Sethi's case* (supra), the award dated 20.04.2010 passed by the Tribunal is modified to the extent that the the amount of ₹ 3,39,000/- awarded by the Tribunal is enhanced by ₹ 55,000/-.

8. The appellants would be entitled to the enhanced amount along with interest at the rate as awarded by the Tribunal from the date of filing of the claim petition till realisation of the amount.
9. The appeal is partly allowed in the aforesaid terms.

May 10, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No