

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205-3

FAO No.6816 of 2011 (O&M)

Date of Decision: 01.02.2018

Vidya Devi and others

..... Appellants

Versus

Rajbir Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Lipika Dahiya, Advocate, for
Mr. R.S. Mamli, Advocate
for the appellants.

Mr. N.S. Panwar, Advocate
for respondent No.2.

Mr. Ravinder Arora, Advocate and
Mr. Neeraj Khanna, Advocate
for respondent No.3-Insurance Company.

ANIL KSHETARPAL, J. (ORAL)

This appeal is filed on behalf of the claimants for enhancement of the compensation. Learned Motor Accident Claims Tribunal after examining the evidence available on the file has held that the deceased-Ishwar Chand was more than 60 years of age and in absence of any substantive evidence of earning, the income was assessed at Rs.3,000/-. The Court has noticed that the deceased was only working as a helper with the Pujari of a temple. The Court has applied a multiplier of 9 which in the considered opinion of this Court, does not require any further increase. However, the learned Motor Accident Claims Tribunal has awarded a sum of Rs.10,000/- towards conventional heads (Rs.5,000/- for loss of

consortium and Rs.5,000/- for funeral expenses).

Taking into consideration the judgment passed by the Constitution Bench in National Insurance Company Ltd. Vs. Pranay Sethi, 2017(4) RCR (Civil), 1009, under the conventional heads, the claimants are held entitled to be granted total Rs.70,000/- (Rs.15,000/- for loss of estate, Rs.40,000/- for loss of consortium and Rs.15,000/- for funeral expenses).

In view thereof, the compensation is enhanced by Rs.60,000/-. The enhanced compensation shall be payable along with interest @ 6% per annum from the date of claim petition till realization.

The pending miscellaneous applications, if any shall stands disposed of accordingly.

Appeal is allowed.

01.02.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No