

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 101

Case No. : FAO No. 118 of 2015

Date of Decision : November 26, 2018

Kuljit Kaur Appellant
vs.
Dhian Singh and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Ms. Vandana Malhotra, Advocate
for respondent no. 3.

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DEEPAK SIBAL, J. (Oral) :

The present appeal has been preferred by the claimant seeking enhancement in the compensation awarded by the Motor Accident Claims Tribunal, Gurdaspur (for short – the Tribunal).

The facts in brief which are required to be noticed for adjudicating upon the present appeal are that on 13.07.2012 at about 10:50 AM, Manpreet Kaur along with her mother Kuljit Kaur went to Gurdaspur to buy some medicines. As they alighted from the bus at Bus Stand, Gurdaspur, a bus bearing registration No.PB-07-Z-3365 (for short – the offending vehicle) struck Manpreet Kaur, as a result of which she died at the spot. A FIR was lodged under Section 304-A IPC at Police Station City

A Claim Petition under Section 166 of the Motor Vehicles Act, 1988 was also filed by the mother of the deceased which was adjudicated upon by the Tribunal through its Award dated 09.04.2014. Enhancement of compensation awarded through such Award is sought through the present appeal.

Learned counsel for the appellant has pressed two issues. He submits that the deceased was a 22 years old household lady. Her monthly income assessed by the Tribunal @ Rs.4,000/- was on the lower side as in the year 2012 i.e. when the accident took place, even a skilled worker was getting higher emoluments. He further submitted that the Tribunal erred in granting only Rs.14,000/- under the conventional heads as according to him, in view of a recent judgment of the Hon'ble Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi and others – (2017) 16 SCC 680**, Rs.70,000/- should have been granted.

Learned counsel for respondent no. 3 – Insurance Company fairly concedes that as per the judgment of Hon'ble Supreme Court in **Pranay Sethi's** case (*supra*), under the conventional heads, the claimant as also husband of the deceased were entitled to a cumulative sum of Rs.70,000/- instead of Rs.14,000/-.

In view of the above, the claimant as also the husband of the deceased are held entitled to Rs.70,000/- under the conventional heads.

So far as the income of the deceased is concerned, it was duly proved before the Tribunal that at the time of her death in the year 2012, she was a household lady and therefore, considering the totality of

circumstances as also keeping in view the principles of law laid down by the Hon'ble Apex Court in Arun Kumar Agrawal and another vs. National Insurance Company and others – (2010) 9 SCC 218, wherein the income of a household lady in the year 2010 was assessed @ Rs.5,000/- p.m., the assessed monthly income of the deceased is enhanced from Rs.4,000/- to Rs.5,000/-.

The enhanced compensation shall be shared equally by the appellant as also respondent no. 4 – husband of the deceased.

The claimant and respondent no. 4 are also held entitled to interest @ 6.5% per annum on the enhanced compensation from the date of filing of the Claim Petition till its realization.

The appeal is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

November 26, 2018
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Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.