

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

**FAO No.1764 of 2015 (O&M)**

Date of Decision: February 20, 2018

Laxmi Devi and another

...Appellants

Versus

Hari Kishan and others

...Respondents

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

Present: Mr.Gopal Sharma, Advocate  
for the appellants.

Mr.Naveen Chopra, Advocate  
for respondent No.3 – insurer.

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HARINDER SINGH SIDHU, J.

The claimants have filed the present appeal challenging the award dated 18.4.2014 passed by the Motor Accident Claims Tribunal, Rewari (for short 'the Tribunal').

Brief facts as disclosed in the claim petition are that on 2.2.2013 in the area of Police Station Rohral a vehicular accident took place involving Tata Indigo Car No.HR-36R-0799 (herein for short 'the offending vehicle'), wherein, Nihal 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.

On a claim petition filed by the widow, son and father of the deceased, the Tribunal assessed the income of the deceased at Rs.8000/- per month, deducted 1/3<sup>rd</sup> towards his personal expenses, applied the multiplier

of 14 (deceased aged 45 years). The loss of dependency was assessed at Rs.8,96,000/-. Besides, sum of Rs.1,26,461/- towards 'expenses incurred on the treatment of the deceased', Rs.25,000/- for 'funeral expenses' and Rs.5000/- towards 'loss of estate' were awarded. In addition, the widow of the deceased was also awarded Rs.1,00,000/- under the head of 'loss of consortium'. In all, compensation of Rs.11,52,461/- along with interest was awarded.

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

Having heard learned counsel for the parties and going through the paper-book as also the decision of the Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and others** (2017) 16 SCC 680 the compensation is re-assessed as under:-

| Sr.No. | Heads                                                                                                       | Calculation (In Rs.)                       |
|--------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| (i)    | Monthly Income                                                                                              | 8000/-                                     |
| (ii)   | 25% of above (i) to be added as future prospects (deceased aged 45 yrs.)                                    | 8000+2000 = 10,000/-                       |
| (iii)  | Loss of income (1/3 <sup>rd</sup> of (ii) deducted as personal expenses of the deceased - three dependants) | 10000-3333= 6667/- per month (rounded off) |
| (iv)   | Compensation after multiplier of 14 is applied                                                              | 6667x12x14= 11,20,056/-                    |
| (v)    | Loss of Consortium (Exclusively payable to the widow of deceased)                                           | Rs.40,000/-                                |
| (vi)   | Loss of Estate                                                                                              | Rs.15,000/-                                |
| (vii)  | Funeral Expenses                                                                                            | Rs.15,000/-                                |
| (viii) | Medical expenses (as awarded by the Tribunal)                                                               | Rs.1,26,461/-                              |
|        | <i>Total</i>                                                                                                | <i>Rs.13,16,517/-</i>                      |

Hence, the appeal is allowed. The Award of the Tribunal is modified to the extent that the claimants are held entitled to total compensation of Rs.13,16,517/-, that is, Rs.1,64,056/- (1316517-1152461) 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.

February 20, 2018

( HARINDER SINGH SIDHU )

JUDGE

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