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

**FAO No.4384 of 2013(O&M)
Date of Decision: 05.07.2018**

**Vishal and others .... Appellants**

**Versus**

**Yugraj Singh Dhindsa and others .....Respondents**

**CORAM:** ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Parveen K. Kataria, Advocate
for the appellants.

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

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***RAJ MOHAN SINGH, J. (Oral)***

***CM No.18262-CII of 2013***

There is a delay of 86 days in filing the appeal.

Notice of this application was issued on 18.03.2014.

Respondents No.1 and 2 were served with affixation as they refused to accept notices. Consequently, they were proceeded against *ex parte* vide order dated 11.11.2014.

No reply to the application has been filed by respondent No. 3.

For the reasons mentioned in the application, the same is allowed. Delay of 86 days in filing the appeal is hereby condoned.

***<u>Main case</u>***

[1]. This appeal has been preferred by brother, sister and father of deceased Sania who was 20 years of age at the time of accident against the order dated 08.01.2013 passed by Motor Accident Claims Tribunal, Amritsar (for short 'the Tribunal').

[2]. The accident took place on 26.12.2010. Deceased along with her father Sukhcharanjit Singh, mother Alka and sister Payal were going to pay obeisance to Mata Chintpurni in their maruti car. Appellant No.3/Sukhcharanjit Singh was driving the maruti car. The offending Fiat Lenia car came from behind in a rash and negligent manner and struck against the maruti car. Alka and Sania died in the accident.

[3]. The Tribunal found that the accident took place on account of rash and negligent driving of the offending vehicle. The Tribunal has assessed the income of the deceased to be Rs.4000/- per month who had completed B.Com professional and was involved in teaching the students. On the basis of evidence on record i.e. statements of parents of the children, who were being taught by Sania, the income of the deceased can easily be assessed as Rs.5000/- per month. In view of ratio laid down in ***<u>National Insurance Company Limited Vs.</u>***

***<u>Pranay Sethi and others, 2017 SCC 1270,</u>*** future prospects to the tune of 40% i.e. Rs.2000/- can be added in view of age of the deceased. In this way, monthly income of the deceased would come out to be Rs.7000/- (5000+2000=7000) i.e. Rs.84,000/- per annum. She was unmarried, therefore, deduction to the tune of 50% has to be applied towards personal expenses of the deceased and after deduction, the amount would come out to be Rs.42,000/- per annum. Keeping in view the age of the deceased and in view of ratio laid down in ***<u>Smt. Sarla Verma Vs. Delhi Transport Corporation and another, 2009(3) Punjab Law Reporter 22,</u>*** multiplier of 18 has to be applied and after applying multiplier of 18, the amount would come out to be Rs.7,56,000/-, to which an amount of Rs.30,000/- towards conventional heads can be added, besides adding an amount of Rs.18,967/- towards medical expenses. In this way, total tally would come out to be Rs.8,04,967/-. The Tribunal has already awarded compensation to the tune of Rs.4,62,967/-. The balance compensation to the tune of Rs.3,42,000/- (8,04,967-4,62,967=3,42,000) along with interest @ 7.5% per annum from the date of filing of the claim petition till final realization of the amount shall be paid by the Insurance Company at the first instance with a right to recover the same from owner and driver of the offending vehicle.

[4]. With the aforesaid modification, the present appeal stands disposed of.

July 05, 2018 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No