

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

Date of decision: 23.05.2018

FAO No.2354 of 2015 (O&M)

Manjit Kaur and others ... Appellants

Versus

Pepsu Road Transport Corp. Ltd. and others ... Respondents

FAO No.2570 of 2015 (O&M)

Manjit Kaur and others ... Appellants

Versus

Pepsu Road Transport Corp. Ltd. and others ... Respondents

FAO No.2575 of 2015 (O&M)

Manjit Kaur and others ... Appellants

Versus

Pepsu Road Transport Corp. Ltd. and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ishan Cooner, Advocate for the appellants.

Mr. Ankit Aggarwal, Advocate for
Mr. Anupam Singla, Advocate
for respondents No.1 and 2.

Mr. Parshotam Lal Singla, Advocate
for respondents No.3 and 4.

Mr. V. Ramswaroop, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.2354, 2570 and 2575 of 2015 as these have emerged out of the same accident dated 22.06.2011 and compensation has been awarded on account of death of Jagtar Singh, Sukhmanpreet Singh and Smt. Baljinder Kaur.

CM-7314-CII-2015 in/and FAO No.2354 of 2015

Heard.

Allowed as prayed for. Delay of 108 days in filing the appeal stands condoned subject to condition that the claimants shall forgo interest for the period of delay in case compensation is enhanced.

The Tribunal has awarded compensation of Rs.6,30,120/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Multiplier	15
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.6,00,120/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of estate	Rs.5000/-

Claimants shall be entitled to benefit of future prospects @40% in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. Deduction for personal expenses and multiplier adopted by the Tribunal are affirmed. In this manner, loss of dependency is calculated at Rs.8,40,000/- [(Rs.5000 x 12 x 15) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitled to Rs.30,000/-, i.e. Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate.

Total compensation is Rs.8,70,000/- and the additional amount is Rs.2,39,880/- (8,70,000 - 6,30,120), payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay, to Rashmeet Kaur, minor daughter of the deceased, to be invested in fixed deposit till she attains the age of majority or for a period of three years, whichever is later. Even interest on the amount awarded by the Tribunal shall be payable @7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

FAO No.2570 of 2015

I have gone through the award but find no justification for enhancement of compensation. However, interest shall be payable on awarded amount @ 7.5% per annum from the date of petition till realization except for the period of delay.

The appeal is partly allowed in the aforesaid terms.

FAO No.2575 of 2015

The Tribunal has awarded compensation of Rs.5,70,000/-, detailed hereunder:-

1. Monthly value of services of the deceased Rs.3000/-

2. Multiplier	15
3. Loss of dependency	Rs.5,40,000/-
4. Expenses on funeral	Rs.25,000/-
5. Loss of estate	Rs.5000/-

The accident in question took place on 22.06.2011, when deceased Jagtar Singh along with Baljinder Kaur and Sukhmanpreet Singh (since deceased) was travelling on motorcycle in which all the three occupants of the motorcycle sustained injuries that proved fatal. Rashmeet Kaur, claimant aged about 10 years was rendered orphan and even lost her brother. Baljinder Kaur had been rendering services to the family consisting of her parents-in-law, two minor children and husband. Taking into consideration the minimum wage available at the relevant time coupled with that a house maker has multifarious duties to perform, value of services of the deceased is assessed at Rs.7000/- per month. The multiplier adopted by the Tribunal is affirmed. In this manner, loss of dependency is calculated at Rs.12,60,000/- (Rs.7000 x 12 x 15).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitled to Rs.15,000/- qua funeral expenses.

Total compensation is Rs.12,75,000/- and the additional amount is Rs.7,05,000/- (12,75,000 - 5,70,000), payable with interest @7.5% per annum from the date of petition till realization, except for the period of delay, to Rashmeet Kaur, to be invested in fixed deposit till she attains the age of majority or for a period of three years, whichever is later.

Interest on the amount awarded by the Tribunal shall also be payable @7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

23.05.2018
ashok

(REKHA MITTAL)
JUDGE

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