

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

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Date of decision: 30.05.2018

FAO 4934 of 2013 (O&M)

Bhopal Singh and another

..... Appellants

Versus

Suraj Parkash Arora and others

..... Respondents

FAO NO. 4935 of 2013 (O&M)

Bhopal Singh

..... Appellant

Versus

Suraj Parkash Arora and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Prateek Pandit, Advocate
 for the appellant (FAO No. 4935 of 2013)

 Mr. Ashwani Bhardwaj, Advocate
 for the appellant (FAO No. 4934 of 2013)

 Ms Neha Sharma, Advocate
 for respondents No. 2

 Mr. Rohit Goswami, Advocate
 for respondent No. 3

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Rekha Mittal, J. (Oral)

This order will dispose of aforesaid appeals as these have emerged out of the same award dated 17.11.2012 passed by the Motor Accidents Claims Tribunal, Jind (hereinafter to be referred as 'the Tribunal') whereby compensation has been awarded on account of death of Laxmi Devi and injuries sustained by Bhopal Singh.

FAO No. 4934 of 2013

The Tribunal has assessed compensation of Rs.3,34,000.00 qua

death of Laxmi Devi, detailed hereunder:-

Monthly value of her services as a house maker	Rs.2000.00
Deduction for personal expenses	1/3 rd
Multiplier	5
Loss of dependency	Rs.80,000.00
Medical expenses	Rs.2,44,000.00
Loss of estate	Rs.5,000.00
Funeral expenses	Rs.5,000.00

The deceased was 75 years old at the time of the occurrence. There is no justification for enhancement of income assessed by the Tribunal. However, in the light of judgment of this Court ***Paramjit Singh and another vs. Dilbagh Singh Bagga and others, 2014 (4) RCR (Civil) 895***, deduction for personal expenses allowed by the Tribunal is set aside. In this view of the matter, loss of dependency comes to Rs.1,20,000.00 (24,000x5).

Compensation awarded by the Tribunal for expenses of medical treatment is affirmed. However, compensation allowed under conventional heads is modified to the effect that claimants shall be entitled to Rs.15,000.00 for expenses on funeral and last rites. Total compensation comes to Rs.3,79,000.00 (Rs.1,20,000.00 + Rs.2,44,000.00 + 15,000.00) and additional amount is Rs.45,000.00 (Rs.3,79,000.00 – Rs.3,34,000.00), payable with interest at the rate of 7.5% per annum from the date of petition till realization, in terms of the award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

FAO No. 4935 of 2013

With regard to injuries sustained by Bhopal Singh-appellant, the Tribunal has awarded compensation of Rs.58,000.00, detailed hereunder:-

Medical expenses	Rs.41,000.00
Conveyance charges	Rs.4,000.00
Special diet and special attendant	Rs.3,000.00
Pain and sufferings	Rs.10,000.00
Total	Rs.58,000.00

The injured remained admitted in Jindal Institute of Medical Science, Hisar with effect from 26.07.2010 to 08.08.2010 and as such, he got treatment as an indoor patient for the aforesaid period. The Tribunal has noticed that after discharge, the injured got treatment as an outdoor patient till September 2010. The injured is a resident of village Gulkani, Tehsil and District Jind and he was treated in a Hospital at Hisar. Under the circumstances, compensation awarded by the Tribunal for conveyance charges to the tune of Rs.4,000.00 is enhanced to Rs.10,000.00 (additional amount Rs.6,000.00).

Taking into consideration nature of injuries sustained coupled with the period of treatment, compensation qua special diet and attendant charge is enhanced to Rs.5,000.00 (additional amount Rs.2,000.00). The claimant shall be entitled to loss of income at the rate of Rs.4,000.00 for a period of two months *i.e.* Rs.8,000.00. Compensation awarded by the Tribunal for medical expenses, pain and sufferings is ordered to be affirmed. Hence, additional amount of Rs.16,000.00 (Rs.6,000.00 + Rs.2,000.00 + Rs.8,000.00) shall be payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

30.05.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No