

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

FAO No. 4362 of 2014(O&M)

Date of Decision: August 01 , 2018.

Ram Kumar and others

..... APPELLANT (s)

Versus

Subash Singh and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Rajni Maurya, Advocate for
Mr. Naveen Batra, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent No.3 – Insurance Company.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Rupnagar (for short, the 'Tribunal') vide impugned award dated 04.02.2014 on account of death of Naresh Kumar in a motor vehicle accident.

Brief facts necessary for adjudication of the case are that, the claimants filed petition under Section 166 of the Motor Vehicles Act (for short, the 'Act') seeking compensation on account of the death of Naresh Kumar, who lost his life in a motor vehicle accident which took place on 10.11.2012. FIR

No.138 dated 10.11.2012 under Sections 279/337/304A/427 IPC was registered against respondent No.1. One Mohinder Singh also lost his life in this accident. The learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of Bolero bearing No. PB-12-MT-3940 by respondent No.1 – Subash Singh. There is no challenge to the finding of the learned Tribunal in this respect and the same has attained finality.

The learned Tribunal awarded a sum of ₹12,20,600/- as compensation to the claimants i.e., parents, wife and children of the deceased- Naresh Kumar vide impugned award dated 04.02.2014. The deceased was working as Halwai and his income was assessed as ₹6,000/- per month. Increase in income at the rate of 40% was afforded and 1/4th deduction was effected on account of personal expenses. Multiplier of 16 was applied as the deceased was 32 years old at the time of the accident. ₹6,000/- towards loss of consortium to claimant-wife and ₹5,000/- towards funeral expenses were awarded.

Sole argument raised by learned counsel for the appellants is that in view of the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680**, the learned Tribunal has erred in awarding a meagre amount under the conventional heads i.e., ₹6,000/- towards loss of consortium and ₹5,000/- on account of funeral expenses. Therefore, the compensation under the conventional heads needs to be enhanced.

Learned counsel for respondent No.3 – Insurance Company does not dispute that the amount of compensation on account of conventional heads is to

be enhanced in view of the judgment of the Hon'ble Supreme court in Pranay Sethi (supra).

Keeping in view the facts and circumstances as well as the stand of learned counsel for the parties, award dated 04.02.2014 passed by the learned Motor Accident Claims Tribunal, Rupnagar is modified to the extent that the claimants/appellants shall be entitled to a sum of ₹70,000/- i.e., ₹40,000/- instead of ₹6,000/- on account of loss of consortium to the claimant-wife and ₹15,000/- each towards funeral expenses (instead of ₹5,000/-) and loss of estate. Thus the claimants are entitled to a sum of ₹12,79,600/- instead of ₹12,20,600/- alongwith interest at the rate of 7.5% per annum on the enhanced amount. Rest of the directions of the learned Tribunal in respect to apportionment/disbursement shall enure.

With the modification in the amount of compensation as above, appeal is accordingly disposed of.

August 01 , 2018.
'om'

(LISA GILL)
JUDGE

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