

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 20.08.2018

FAO 4978 of 2014 (O&M)

Virender Singh and othersAppellants

Versus

Balwant Singh and othersRespondents

FAO 4979 of 2014 (O&M)

Virender Singh and othersAppellants

Versus

Balwant Singh and othersRespondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Gurinder Pal Singh, Advocate
for the appellants
Mr. A S Sidhu, 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 03.12.2013 passed by the Motor Accidents Claims Tribunal, Rewari (hereinafter to be referred as 'the Tribunal') whereby compensation has been assessed on account of death of Smt. Ram Ratti Devi and Rohtash Singh in a motor vehicular accident that took place on 27.04.2012.

FAO 4978 of 2014

With regard to death of Ram Rati Devi, the Tribunal has awarded compensation of Rs.3,66,400.00, detailed hereunder:-

Monthly loss of services of deceased	Rs.5,000.00
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Deduction for personal expenses	1/3rd
Multiplier	9
Loss of dependency	Rs.3,56,400.00
Loss to estate	Rs.5,000.00
Transportation and last rites	Rs.5,000.00

Application for compensation has been filed by two sons, aged 38 and 33 years and daughter aged 29 years of deceased Ram Ratti Devi. The deceased was 58 years old at the time of occurrence. The value of services of deceased assessed by the Tribunal is correct and affirmed. However, no deduction for personal expenses would be made in the light of Division Bench judgment of this Court in ***Paramjit Singh and another vs Dilbagh Singh alias Bagga and others, 2014 (4) R.C.R. (Civil) 895.*** Multiplier allowed by the Tribunal is correct and affirmed.

In view of the above, loss of dependency is calculated at Rs.5,40,000.00 (Rs.5000 x 12 x 9).

Under conventional heads, compensation allowed by the Tribunal is modified to the extent that claimants shall be entitled to Rs.15,000.00 towards funeral and last rites, in the light of judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270.***

Total compensation is Rs.5,55,000.00 (Rs.5,40,000.00 + Rs.15,000.00) and the additional amount is Rs.1,88,600.00 (Rs.5,55,000.00 – Rs.3,66,400.00) payable with interest at the rate of 7.5% per annum from the date of petition till realization, in terms of the award.

The appeal is partly allowed in the aforesaid terms.

FAO No. 4979 of 2014

The Tribunal has assessed compensation of Rs.7,22,800.00, in

regard to death of Rohtash Singh, detailed hereunder:-

Monthly income of the deceased	Rs.10,000.00
Deduction for personal expenses	1/3 rd
Multiplier	9
Loss of dependency	Rs.7,12,800.00
Loss to estate	Rs.5,000.00
Expenses of last rites and transportation	Rs.5,000.00

Compensation assessed by the Tribunal with regard to loss of dependency is correct and does not warrant intervention. However, compensation allowed under conventional heads needs enhancement and the same would be Rs.30,000.00, in the light of judgment of Hon'ble the Supreme Court in *Pranay Sethi's* case (supra), detailed hereunder:-

Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

In view of the above, claimants shall be entitled to additional sum of Rs.20,000.00 with interest @ 7.5% per annum from the date of petition till realization, in terms of the award.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

20.08.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No