

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-393-2015 (O&M)
Date of Decision : 21.11.2018

Chetan Sharma and others

....Appellants

vs.

Kaka Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vikram Bali, Advocate
for the appellants.

Mr. Varun Mittal, Advocate for
Mr. V.M. Gupta, Advocate
for respondent No.3

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 8.9.2014 passed by Motor Accident Claims Tribunal, Fatehgarh Sahib awarding compensation of Rs. 9,89,000/- alongwith interest at the rate of 7% per annum on account of death of Neeta in a motor accident which took place on 15.2.2014.

Since limited points have been urged detailed reference to the facts is not required.

Counsel for the claimants-appellants has argued that the Tribunal erred in taking the contribution of Rs.6000/- per month whereas the Hon'ble Supreme Court in *Lata Wadhwa and others vs. State of Bihar*

and others reported as **2001 (4) RCR (Civil) 673** (where the accident had taken place in 1989) had evaluated the contribution of a house wife at Rs.3000/- per month. In the circumstances, the contribution cannot be less than Rs.11000/- per month in the present case. Counsel for the appellant in this context has further relied upon the judgment of this Court passed in the matter of ***Lalit Kumar and another vs. Kulwinder Singh and others*** in **FAO-4966-2016** decided on 26.10.2018. I find this to be indeed so. Consequently, I fix the contribution at Rs.11000/- per month. However in view of the judgment passed by this Court in **FAO No. 1492 of 2018**, titled as ***Ram Mehar and others vs. Bhupinder and others***, decided on 29.8.2018 there can neither be addition of future prospects since its a case of notional income nor can there be deduction.

Counsel for the claimants-appellants has pointed out that the Tribunal awarded Rs. 1 lakh towards loss of consortium but in view of the judgment of the Supreme Court passed in the matter of “***Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others***” in **Civil Appeal No. 9581 of 2018** decided on 18.9.2018, the appellant No.1 is entitled to Rs.40,000/- and Rs.40,000/- each to the appellants No. 2 and 3 as filial consortium and as per the Constitution Bench judgment of the Supreme Court in the matter of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*** a sum of Rs. 30,000/- should be awarded for funeral expenses and loss of estate whereas the Tribunal awarded a sum of Rs.25,000/- for funeral expenses. Counsel for the respondent No.3 is not in a position to deny this. In the circumstances, Rs. 25,000/- more is added to the compensation.

Counsel for the claimants-appellants has further pointed out that in the judgment of Magma General Insurance Company Limited (supra) the Supreme Court has awarded interest at the rate of 12% per annum on the entire compensation. In view of this judgment, I also award 12% interest per annum on the enhanced amount from the date of filing of the claim petition till the date of payment. Rest of the Award shall remain unchanged.

The appeal stands disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

21.11.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No