

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4055 of 2015
Date of Decision: 16.03.2018

The New India Assurance Company Limited ...Appellant
VERSUS

Baljinder Singh and others .Respondents

BEFORE : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.Neeraj Khanna, Advocate, for the appellant.

 Mr.Ashwani Arora, Advocate, for respondents.

RITU BAHRI, J. (Oral)

CM No.12985-CII OF 2015

For the reasons stated in the application, delay of 97 days in
re-filing the appeal is condoned.

Application stands disposed of.

Main Case

The appellant/Insurance Company has come up in appeal against
the Award of the Motor Accident Claims Tribunal, Chandigarh dated
01.12.2014 whereby compensation of Rs.18,97,288/- has been awarded is
highly excessive as the learned Tribunal had wrongly awarded compensation
to the claimants who are major sons of the deceased and are not at all
dependant upon the deceased. Further learned Tribunal had wrongly
awarded to the daughters of the deceased who were not impleaded as party.

During the course of hearing in the appeal, vide order dated

Mr.Ashwani Arora, Advocate, had appeared on behalf of them. As such, respondents 5 to 7 i.e. married sisters are now respondents in memo of parties.

The short grounds for challenging the Award by the Insurance Company is that major children of respondents No.1 and 2 are not entitled for compensation. This aspect has been considered by the Hon'ble Supreme Court in the case of **Montford Brothers of St.Gabriel and Anr. Vs. United India Insurance Company & Anr. Etc. 2014 ACJ(SC) 667**, the legal representatives are entitled for compensation as claimant under Section 166 of the Motor Vehicles Act.

REASSESSED COMPENSATION

So in the light of the discussion, the appeal filed by appellant/Insurance company is dismissed.

Keeping in view that the deceased was 57 years old, as per the judgment of the larger Bench i.e.**National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017**, the Award is reassessed as under:-

Sr.No.	Heads of compensation	Amount
1	Salary per month as per Ex.P-12 salary sleep	Rs.26000/- per month
2.	Future prospect (15%)	Rs.26000/- + Rs.3900/-= Rs.29,900/-
2.	Deduction 1/3rd	Rs.29,900/- --- Rs.9966/-= Rs.19934/-
3.	Annual loss of dependency after applying multiplier	Rs.19934/- X 12 X 9= Rs.21,52,872/-
6.	Conventional heads	Rs.30,000/-
	Total	Rs.21,82,872/-
	Reassessed compensation	Rs.21,82,872/- ----- Rs.18,97,288/-= Rs.2,85,584/-

Resultantly, the enhanced amount of compensation of Rs.2,85,584/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Shri Nagar Mal and Ors Vs. The Oriental Insurance Company Ltd. And ors. in Civil Appeal No.448 of 2018.** Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

16.03.2018
anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>