

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

FAO No. 5744 of 2015(O&M)

Date of decision: 7.3.2018

Nand Lal and others

....Appellants

VERSUS

Shahnawaj Alam and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Neeraj Khanna, Advocate for
Mr. Yadvinder Pal, Advocate for the appellants.

Mr. Kulwinder Singh, Advocate for
Mr. Rajbir Singh, Advocate for respondent No.3.

REKHA MITTAL, J.(Oral)

CM No.18011-CII of 2015

Prayer in this application is for condonation of delay of 138 days in filing the appeal.

Heard.

In view of the averments made in the application supported by an affidavit of Nand Lal - appellant, the application is allowed and delay of 138 days in filing the appeal stands condoned, subject to condition that in case, the appellants succeed in appeal, they will forgo interest for the period of delay.

Disposed of accordingly.

FAO No.5744 of 2015

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Ropar (in

short 'the Tribunal') in regard to death of Nirmala Devi in a motor vehicular accident that took place on 20.08.2014.

The Tribunal has awarded compensation of Rs.7,39,000/- detailed hereunder:-

Monthly value of services of the deceased	Rs.4,000/-
Multiplier	13
Loss of dependency	Rs.6,24,000/-
Loss of consortium	Rs.1,00,000/-
Funeral expenses	Rs.10,000/-
Transportation	Rs.5,000/-

Counsel for the appellants would argue that value of services of the deceased assessed by the Tribunal is on lower side and needs enhancement.

Counsel representing the insurance company has supported assessment of loss of dependency with a plea that compensation awarded under conventional heads needs to be restricted to Rs.55,000/- in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.**

The Tribunal rejected plea of the claimants that the deceased was running a shop and earning Rs.15,000/- per month but assessed her income by taking into consideration value of services of a house-maker. Taking a clue from the minimum wage available at the relevant time coupled with age of the deceased along with multifarious duties to be performed by a house-maker, interest of justice would be served if value of services of the deceased is assessed at Rs.7,000/- per month. The Tribunal

has rightly applied multiplier of 13 and did not make any deduction for personal expenses. In this manner, loss of dependency comes to Rs.10.92.000/- (Rs.7000/- x 12 x 13).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitled to Rs.55,000/- detailed herein:-

Loss of consortium	Rs.40,000/-
Expenses on funeral/last rites	Rs.15,000/-

In view of the above, total compensation comes to Rs.11,47,000/- and the additional amount is Rs. 4,08,000/- (Rs.11,47,000/- - Rs.7,39,000/-), payable with interest at the rate of 7.5% per annum from the date of petition till realization, except for the period of delay of 138 days in filing the appeal, in terms of award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

MARCH 7, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no