

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

Date of decision: 23.03.2018

FAO No.6787 of 2015 (O&M)

Sandeep and others

... Appellants

Versus

Deepak Luhach and others

... Respondents

FAO No.176 of 2016 (O&M)

Jagbir and others

... Appellants

Versus

Deepak Luhach and others

... Respondents

FAO No.8374 of 2015 (O&M)

Anil Devi

... Appellant

Versus

Deepak Luhach and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Anil Rathee, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.6787 and 8374 of 2015
and 176 of 2016 as these have emerged out of the same award dated
30.05.2015 passed by the Motor Accidents Claims Tribunal, Jhajjar

whereby compensation has been awarded on account of death of Saroj, Sheela and injuries sustained by Anil Devi.

FAO No.6787 of 2015

With regard to death of Saroj, the Tribunal has awarded compensation of Rs.8,50,000/-, detailed hereunder:-

1. Monthly value of services of the deceased	Rs.6000/-
2. Multiplier	16
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.7,68,000/-
5. Expenses on funeral and transportation	Rs.30,000/-
6. Loss of consortium	Rs.27,000/-
7. Loss of love and affection	Rs.25,000/-

Counsel for the appellants would argue that as income of the deceased has been assessed being a housemaker, no deduction for personal expenses is to be made in the light of Division Bench judgment of this Court **Paramjit Singh and another Vs. Dilbagh Singh @ Bagga and others, 2013(3) Law Herald 2730.**

Counsel representing the insurance company, on the contrary, would urge that compensation awarded by the Tribunal under conventional heads may be restricted to Rs.55,000/-.

The Tribunal has assessed value of services of the deceased at Rs.6000/- per month and the same is to be taken into consideration for assessing loss of dependency without any deduction for personal expenses. In this manner, loss of dependency comes to Rs.11,52,000/- (Rs.6000 x 12 x 16).

Under conventional heads, claimants shall be entitled to Rs.55,000/- in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Funeral expenses	Rs.15,000/-

Total compensation is Rs.12,07,000/- and the additional amount is Rs.3,57,000/- (12,07,000 – 8,50,000), payable with interest @7.5% per annum from the date of petition till realization to the minors in equal proportion, to be invested in fixed deposits payable on their attaining age of majority or for a period of three years, whichever is later. The interest accruing on FDRs shall be payable to father of the minors for meeting expenses on their education and living.

The appeal is partly allowed in the aforesaid terms.

FAO No.176 of 2016

The Tribunal has awarded compensation of Rs.8,50,000/-, detailed hereunder:-

1. Monthly value of services of the deceased	Rs.6000/-
2. Multiplier	16
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.7,68,000/-
5. Expenses on funeral and transportation	Rs.30,000/-
6. Loss of consortium	Rs.27,000/-
7. Loss of love and affection	Rs.25,000/-

In view of findings recorded in FAO No.6787 of 2015,

compensation payable to the claimants would be Rs.12,07,000/- and the additional amount is Rs.3,57,000/- (12,07,000 – 8,50,000), payable with interest @ 7.5% per annum from the date of petition till realization to the children of the deceased, Naveen and Poonam Devi in equal proportion. The share of minor shall be invested in fixed deposit payable on his attaining age of majority or for a period of three years, whichever is later. The interest accruing on fixed deposit shall be payable to father of the minor for meeting expenses on his education and living.

The appeal is partly allowed in the aforesaid terms.

FAO No.8374 of 2015

The Tribunal has awarded compensation of Rs.45,000/-, detailed hereunder:-

1. Expenses on medical treatment	Rs.5000/-
2. Attendant charges	Rs.10,000/-
3. Transportation and conveyance expenses	Rs.2000/-
4. Special Diet	Rs.2000/-
5. Loss of income	Rs.16,000/-
6. Permanent disability	Rs.8000/-
7. Mental pain and agony	Rs.2000/-

The injured was admitted in the hospital on 06.12.2012 and discharged on 07.12.2012.

I have gone through paras No.35 to 45 of the award whereby the claimant has been awarded compensation under various heads, totaling Rs.45,000/- but find no justification for enhancement of compensation on any count whatever. The Tribunal has even allowed compensation of

Rs.8000/- qua permanent disability when as a matter of fact, there is no evidence that the injured suffered any disability.

For the foregoing reasons, the appeal fails and is accordingly dismissed. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

23.03.2018

ashok

(REKHA MITTAL)
JUDGE

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