

DIWAKER GULATI
2018.09.18 11:25

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

FAO No. 8735 of 2014(O&M)

Date of decision: 14.9.2018

Sukhwinder Kaur and othersAppellants

VERSUS

Parminder Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vijay Rana, Advocate for
Mr. Abhishek Arora, Advocate for the appellants.

Mr. Gopal Mittal, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

CM No.23843-CII of 2014

Prayer in this application is for condonation of delay of 77 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Sukhwinder Kaur- appellant, the application is allowed and delay of 77 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No.8735 of 2014

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Fatehgarh Sahib (in short 'the Tribunal') on account of death of Sukhvir Singh in a motor vehicular accident that took place on 10.10.2012

The Tribunal has assessed compensation of Rs.8,90,000/- detailed hereunder:-

Monthly income of the deceased	Rs.5000/-
Deduction for personal expenses	1/4 th
Multiplier	17
Loss of dependency	Rs.7,65,000/-
Loss of consortium	Rs.1,00,000/-
Expenses on funeral	Rs.25000/-

The claimants shall be entitled to addition in income for future prospects at the rate of 40%. Deduction for personal expenses and multiplier adopted by the Tribunal are correct and affirmed. In this manner, loss of dependency comes to Rs.10,71,000/- [Rs.10,20,000/- (Rs.5000 x 12 x 17) + Rs.40,8000/- (40% future prospects) – Rs.3,57,000/- (1/4th deduction towards personal expenses).

The claimants shall be entitled to following compensation under conventional heads in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270** :-

Loss of consortium to the widow	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation comes to Rs.11,41,000/- and the additional amount is Rs.2,51,000/- (Rs.11,41,000/- - Rs.8,90,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to children of the deceased in equal

ratio, to be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 14, 2018	(REKHA MITTAL)
‘D. Gulati’	JUDGE
Whether speaking/reasoned	: yes/no
Whether reportable	: yes/no