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

**FAO No.9649 of 2014(O&M)
Date of Decision: 18.05.2018**

Iqbal Singh and another

......Appellants

Vs

Satish Kumar @ Happy and others

.....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Parminder Singh Kanwar, Advocate
for the appellants.

Mr. Amit K. Goyal, Advocate
for respondent No.3/Insurance Company.

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RAJ MOHAN SINGH, J.(Oral)

[1]. Appellants/claimants have preferred this appeal for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Hoshiarpur (for short 'the Tribunal') vide award dated 02.08.2014 in claim petition under Section 166 of the Motor Vehicles Act.

[2]. The Tribunal has awarded total compensation of Rs.3,30,000/- along with interest @ 9% per annum from the

date of filing of the claim petition till final realisation of the amount. 80% i.e. 40% each of the awarded amount was ordered to be paid to claimants No.1 and 2 in an equal proportion. Remaining 20% awarded amount was ordered to be paid to claimant No.3, who is a married daughter of the deceased.

[3]. Learned counsel for the appellants submitted that the appellants have not received any notices of cross appeal or cross objections.

[4]. Deceased Lakhvir Kaur was a house wife. An amount of Rs.3000/- was assessed as monthly income of the deceased, who was 47 years of age. Calculations were made on the basis of aforesaid assessed income of Rs.3000/- per month and annual income was assessed as Rs.36,000/-, to which deduction to the tune of 1/3rd was applied towards personal expenses of the deceased. Annual dependency was calculated to be Rs.24,000/-, to which multiplier of 13 was applied. An amount of Rs.8000/- was awarded towards funeral expenses, besides awarding Rs.10,000/- towards general damages. In this way, total compensation to the tune of Rs.3,30,000/- was calculated.

[5]. Learned counsel for the appellants submitted that in case of house wife, deduction to the tune of 1/3rd towards personal expenses (while computing the dependency of the

family) is not to be applied in view of ratio laid down in ***Paramjit Singh Vs. Dilbag Singh @ Bagga, 2014(4) RCR (Civil) 895 (DB)***. Even as per Clause (6) of Second Schedule of the Act, the compensation has to be awarded without making any deduction towards personal expenses. Reference can be made to ***Lata Wadhwa Vs. State of Bihar, 2001(4) RCR (Civil) 673***.

[6]. In the light of aforesaid precedents, I deem it appropriate to consider the income of the deceased to be Rs.3000/- per month. No amount towards personal expenses is to be deducted from the aforesaid income. In this way, annual income of the deceased came out to be Rs.36,000/- per month, to which multiplier of 13 is to be applied. After applying multiplier of 13, the amount came out to be Rs.4,68,000/-. An amount of Rs.15,000/- has to be awarded towards funeral expenses, besides Rs.15,000/- towards loss of estate as per ratio laid down in ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 SCC 1270***. In this way, total compensation can be assessed to be Rs.4,98,000/- (4,68,000 + 15,000 + 15,000 = 4,98,000) along with interest @ 7.5 % per annum from the date of filing of the claim petition till final realisation of the amount. Appellants would be at liberty to recover the enhanced amount in accordance with law. Apportionment of enhanced amount shall be made in the same terms as pointed out by the Tribunal.

[7]. With the aforesaid modification, the present appeal stands disposed of.

May 18, 2018. **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No