

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

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FAO No.9715 of 2014 (O & M)
Date of Decision:19.01.2018

Bimla Devi

...Appellant

Versus

Hardayal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navmohit Singh, Advocate for the appellant.

Mr. Ashwani Talwar, Advocate with
Ms. Priya Deep, Advocate for respondent No.3.

ANIL KSHETARPAL, J.(Oral)

CM No.26841-CII-2014

Civil miscellaneous application has been filed for condonation of 211 days delay in filing the appeal.

Appellant has contended that she is an uneducated lady and her younger son had died in a motor vehicle accident. It is further pleaded that her husband is also no more. It has also been pleaded that her daughter-in-law has already re-married.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 211 days in filing the appeal is condoned.

In view thereof, application is allowed.

Main Case

Claimant is in the appeal for enhancement of the compensation. Kuldeep Singh, a young man of 24 years had died in a motor vehicular accident on 21.12.2012. Kuldeep Singh had left behind a widow and a mother. As noticed above, widow has re-married and now old widowed mother is before this Court.

I have heard learned counsel for the parties and with their able assistance gone through the judgment passed by the Court below.

Learned counsel for the appellant has submitted that the learned Motor Accident Claims Tribunal has assessed the income at Rs.4,400/-, which is not even the minimum wages as notified by the Labour Department, Haryana. He submits that as per Notification dated 16.08.2012, the minimum wages were Rs.4967/-. He has further submitted that on account of future prospects only 30% has been added, whereas as per the judgment passed by the Constitutional Bench in “National Insurance Company Limited vs. Pranay Sethi and others” JT 2017 (10) SC 450, it should be 40%. He has further submitted that even the multiplier applied by the Court is erroneous.

Learned Motor Accident Claims Tribunal has awarded Rs.70,000/- in total towards various conventional heads, which is in consonance with the judgment passed by the Constitution Bench (supra), however, the heads would change.

In view thereof, the compensation is assessed as under:-

Heads	Compensation awarded by High Court	Compensation awarded by MACT
Min. wages	4967/-	4400/-
Future Prospects	+(40%)1986.6/-	+(30%) 1320/-
	6954/-	5720/-
Annual Income	6954 X 12= 83,448/-	5700 (round fig.) X 12 = 68400
1/3 rd deduction	-27816/-	-22800
	55,632/-	45,600/-
Multiplier age=24 years	55,632 X18=10,01,376/-	45,600X17=7,75,200/-
Consortium	40,000/-	20,000/-
Loss of love and affection	NIL	25,000/-
Funeral expenses	15,000/-	25,000/-
Loss of estate	15,000/-	
	10,71,376/-	8,45,200/-
Already awarded by MACT	-8,45,200/-	
	2,26,176/-	
Enhanced compensation	2,27,000/- round off	

Appeal is allowed.

The enhance compensation shall be payable along with interest @
6% per annum from the date of filing of the claim petition till realization.

19.01.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No