

In the High Court of Punjab and Haryana at Chandigarh

FAO- 8233 of 2015(O&M)
Date of Decision: 12.1.2018

Reshma Devi and others

---Appellants

versus

Sube Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Arun Sharma, Advocate
for the appellants**

**Mr. Sukhdarshan Singh, Advocate,
for the insurance company**

Rekha Mittal, J.

CM No. 25951-CII of 2015

Prayer in this application is for condoning delay of 107 days in filing the appeal.

In view of averments made in the application and arguments advanced by counsel for the applicants, application is allowed and delay of 107 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No. 8233 of 2015

The claimants are in appeal seeking enhancement of compensation on account of death of Ram Kumar in a motor vehicular accident that took place on 24.2.2014.

The Motor Accidents Claims Tribunal, Ambala (in short “the

Tribunal”) has awarded compensation of Rs. 9,93,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 6000/-
Deduction for personal expenses	1/3 rd
Multiplier	16
Loss of dependency	4000 x12x16=Rs.7,68,000/-
Loss of consortium	Rs. 1,00,000/-
Loss of love and affection to the children of the deceased	Rs. 1,00,000/-
Funeral expenses	Rs. 25,000/-

Counsel for the claimants would urge that the Tribunal has not allowed benefit of increase in income for future prospects @ 40%.

Counsel representing the insurance company, on the other hand, has submitted that compensation under conventional heads is on higher side and needs to be restricted to Rs. 70,000/- in the light of judgment of Hon'ble the Supreme Court of India **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270.**

The claimants shall be entitled to benefit of increase in income for future prospects @ 40% in the light of judgment in **Pranay Sethi's case (supra)**. In this manner, loss of dependency comes to Rs. 7,68,000 (4000 x 12 x 16) + 3,07,200 (40%)=**Rs.10,75,200/-**.

Under conventional heads, claimants shall be entitled to an amount of Rs. 70,000/-, detailed hereunder:-

Loss of consortium to widow	Rs. 40,000/-
Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

The total compensation comes to **Rs. 11,45,200/-** and the additional amount is **Rs. 1,52,000/-** (11,45,200 – 9,93,000), payable with

interest at the rate of 7.5% per annum from the date of petition till realization to Kajal, minor daughter of the deceased to be deposited in fixed deposit till she attains the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

12.1.2018

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