

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

Date of decision: 18.08.2018

FAO No.8442 of 2015 (O&M)

Ankit

... Appellant

Versus

Narender Kumar and others

... Respondents

FAO No.8443 of 2015 (O&M)

Jagdish and others

... Appellants

Versus

Narender Kumar and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Deepa Jain, Advocate for
Mr. Yash D. Kaushik, Advocate
for the appellants.

None for respondents No.1 and 2.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.8442 and 8443 of 2015 as these have emerged out of the same award dated 03.04.2015 passed by the Motor Accidents Claims Tribunal, Faridabad whereby compensation has been assessed on account of injuries sustained by Ankit and death of Rajbala in a motor vehicular accident that took place on 30.06.2013.

FAO No.8442 of 2015 has been filed by Ankit, seeking

enhancement of compensation whereas the other appeal has been preferred for the same relief qua death of Rajbala.

CM No.26626-CII of 2015 in/and FAO No.8442 of 2015

Prayer in this application is for condonation of delay of 138 days in filing the appeal.

In view of averments made in the application supported by an affidavit of the appellant coupled with that the provisions of Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 138 days in filing the appeal is condoned subject to the condition that the claimant shall forgo interest for the period of delay in case compensation is enhanced.

The Tribunal has awarded compensation of Rs.1,43,000/-, detailed hereunder:-

1. Medical expenses	Rs.1,17,477/- (rounded of to Rs.1,18,000/-)
2. Pain and sufferings, services of an attendant and special diet	Rs.10,000/-
3. Expenses on transportation	Rs.5000/-
4. Loss of study	Rs.10,000/-

Respondent No.1 has already been served but there is no representation on his behalf.

The Tribunal has allowed reimbursement of medical expenses on the basis of bills proved on record and the same is affirmed. The injured was a student at the time of accident. He remained admitted in Sarvodaya Hospital, Faridabad from 30.06.2013 to 05.07.2013 and thereafter from

01.08.2013 to 06.08.2013, thus, total period of treatment as an indoor patient is 12 days. The Tribunal has awarded compensation of Rs.10,000/- on account of loss of studies and the same is affirmed. Compensation of Rs.5000/- towards transportation expenses allowed by the Tribunal does not warrant intervention. However, the claimant shall be entitled to a sum of Rs.15,000/- on account of pain and sufferings, services of an attendant and special diet (additional amount of Rs.5000/-). The additional compensation of Rs.5000/- shall be payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay of 138 days in filing the appeal.

All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

FAO No.8443 of 2015

With regard to death of Rajbala, the Tribunal has allowed compensation of Rs.11,75,000/-, detailed hereunder:-

1. Monthly value of services of the deceased	Rs.6000/-
2. Multiplier	14
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.7,56,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-
7. Reimbursement of medical expenses	Rs.2,94,000/-

The deceased was 44/45 years old at the time of occurrence.

The claimants are the husband and three children of deceased Rajbala. The Tribunal has assessed value of services of the deceased at Rs.6000/- per

month. The housewife has multifarious duties to perform. Accordingly, value of services of the deceased is assessed at Rs.7000/- per month. There would be no deduction for personal expenses 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**. The multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.11,76,000/- (Rs.7000 x 12 x 14). Compensation allowed by the Tribunal with regard to reimbursement of medical expenses is affirmed. The Tribunal has awarded a sum of Rs.1,25,000/- under conventional heads. In the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**, claimants shall be entitled to Rs.55,000/- under conventional heads, detailed hereunder:-

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

Total compensation is Rs.15,25,000/- and the additional amount is Rs.3,50,000/- (15,25,000 – 11,75,000), payable with interest @7.5% per annum from the date of petition till realization, except for the period of delay of 138 days in filing the appeal, in terms of the award.

The appeal is partly allowed in the aforesaid terms.

18.08.2018	(REKHA MITTAL)
ashok	JUDGE
Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No