

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

FAO 4983 of 2017 (O&M)
Date of decision: 09.02.2018

National Insurance Co Limited *Appellant*
Versus
Charanjit Kaur and another *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal
-.-

Present: Mr. Vipul Sharma, Advocate
for Mr. Paul S Saini, Advocate
for the appellant

Mr. Arjun Atri, Advocate
for respondents No.1 and 2
-.-

Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 28.02.2017 passed by the Motor Accidents Claims Tribunal, Patiala (hereinafter to be referred as 'the Tribunal') whereby compensation has been awarded on account of death of Satnam Singh in a motor vehicular accident that took place on 16.06.2016.

Notice of motion was issued to the limited extent of allowing Rs.1,00,000.00 each to respondents No. 1 and 2 (parents of deceased) towards loss of love and affection.

The Tribunal has awarded compensation of Rs.15,21,000.00 represented in tabulated form in para 31 of the award, reads thus:-

Income assessed	Rs.8,000.00 per month
50% to be added towards future prospects	Rs.8,000+Rs.4,000=Rs.12,000.00

50% to be deducted as personal expenses of the deceased	Rs.12,000-Rs.6,000=Rs.6,000.00
Compensation after multiplier of 18 is applied	6000x12x18=Rs.12,96,000.00
Loss of love and affection for both the claimants	Rs.1,00,000.00 each claimant
Funeral expenses	Rs.25,000.00
Total	Rs.12,96,000+Rs.2,00,000+Rs.25,000 = Rs.15,21,000.00

The Tribunal has awarded Rs.1,00,000.00 to each of the claimants for loss of love and affection. In view of latest judgment of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270*, no such compensation is admissible to parents of the deceased. However, the Tribunal has allowed compensation of Rs.25,000.00 for funeral expenses. In view of the aforesaid judgment, claimants shall be entitled to Rs.30,000.00, detailed hereunder:-

Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

In this manner, compensation awarded by the Tribunal is reduced to the extent of Rs.1,95,000.00.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

09.02.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No