IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2507 of 2018 (O&M)
Date of Decision: May 08, 2018

United India Insurance Company Limited ...Appellant

Versus

Manjeet Kaur and others ...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Rajesh K.Sharma, Advocate
for the appellant – insurer.

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HARINDER SINGH SIDHU, J.

The insurer has filed the present appeal challenging the award dated 12.01.2018 passed by the Motor Accident Claims Tribunal, Mohali (for short 'the Tribunal').

Brief facts as disclosed in the claim petition are that on 18.04.2016 in the area of village Khanpur on Chandigarh-Ropar Road, a vehicular accident took place involving Tipper No.PB-23M-8965 (herein for short 'the offending vehicle'), wherein, Harjot Kaur @ Harjit Kaur @ Jeeti and Ritu Rani lost their lives. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was also registered.

On a claim petition having been filed by the parents of Harjot Kaur @ Harjit Kaur @ Jeeti, the Tribunal assessed the income of the deceased at Rs.9000/- per month, deducted 40% towards her personal expenses, awarded addition of 40% towards future prospects and applied the multiplier of 18 (deceased aged 22 years). The loss of dependency was assessed at Rs.16,32,960/- Besides, Rs.15,000/- towards 'funeral expenses' were also awarded. In all, compensation of Rs.16,47,960/- along with interest was awarded.

Ld. Counsel for the appellant – Insurer has confined his arguments to the quantum of compensation. He argued that as the deceased was unmarried, therefore, deduction on account of her personal expenses ought to have been 50% instead of 40%. He relied on **National Insurance Company Ltd. Vs. Pranay Sethi and others (2017) 16 SCC 680**.

Accordingly, the compensation is re-assessed as under:-

Sr.No.	**Heads**	**Calculation (In Rs.)**
(i)	Monthly Income	9000/-
(ii)	40% of above (i) to be added as future prospects (deceased aged 22 yrs.)	9000+(9000x40/100) = 12,600/-
(iii)	Loss of income (½ of (ii) deducted as personal expenses of the deceased – unmarried)	12600-(12600x1/2)= 6300/- per month
(iv)	Loss of dependency after multiplier of 18 is applied	6300x12x18= 13,60,800/-
(v)	Loss of Estate	Rs.15,000/-
(vi)	Funeral Expenses	Rs.15,000/-
	Total	***Rs.13,90,800/-***

Hence, the appeal is partly allowed. The compensation awarded by the Tribunal is re-assessed to the extent that the claimants – respondents are held entitled to total compensation of Rs.13,90,800/-, that is, Rs.2,57,160/- (1647960-1390800) less than the amount awarded by the Tribunal. The compensation be paid with interest @ 7.5% per annum from the date of filing of claim petition till actual realisation.

The appeal has been disposed of without notice to the respondents

– claimants to avoid unnecessary delay and expense. A copy of this order be conveyed to the claimants-respondents No.1 and 2. In the event of the said respondents having any objection, they may file application to that effect. On receipt of any such application, the same be listed for hearing.

It is made clear that this order has been passed on an appeal filed by the Insurance Company without hearing the claimants and is confined to the contentions raised herein. It is without prejudice to the rights of the claimants to separately agitate for enhancement on any ground that may be available to them.

May 08, 2018 **(HARINDER SINGH SIDHU)**
gian **JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No