

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

FAO No.829 of 2018 (O&M)

Date of Decision: April 25, 2018

National Insurance Company Ltd.

...Appellant

Versus

Kamaljeet Kaur and others

...Respondents

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

Present: Mr.Rajesh Verma, Advocate
for the appellant.

HARINDER SINGH SIDHU, J.

For the reasons mentioned in the application, the delay of 20 days in filing the appeal is condoned.

The National Insurance Company Limited has filed the present appeal challenging the award dated 22.09.2017 passed by the Motor Accident Claims Tribunal, SAS Nagar (Mohali).

Brief facts as disclosed in the claim petition are that on 19.07.2016 at about 7.10 a.m. in the area of Village Rampur Chamloti a vehicular accident took place involving Tipper Truck No.PB07-AS-2202 (herein for short 'the offending vehicle'), wherein, Dalvir Singh @ Lalli lost his life. 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.

The Tribunal assessed the income of the deceased at Rs.7920/-

per month treating him an unskilled labourer, awarded addition of 50% towards future prospects, deducted 1/2 towards his personal expenses, applied the multiplier of 18 (deceased, a bachelor, aged 21 years). The loss of dependency was assessed at Rs.12,83,040/-. Besides, a sum of Rs.25,000/- towards 'funeral expenses' was also awarded. In all, compensation of Rs.13,08,040/- along with interest was awarded,

Ld. Counsel for the appellant – Insurer has confined his arguments to the quantum of compensation. He argued that increase on account of future prospects ought to have been 40% instead of 50%. The amount amount awarded for 'funeral expenses' ought to have been Rs.15,000/- instead of Rs.25,000/-. 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	7920/-
(ii)	40% of above (i) to be added as future prospects (deceased aged 21 yrs.)	7920+(7920x40/100)= 11,088/-
(iii)	Loss of income (1/2 ^d of (ii) deducted as personal expenses of the deceased – a bachelor)	11088-(11088x1/2)= 5544/- per month
(iv)	Loss of dependency after multiplier of 18 is applied	5544x12x18= 11,97,504/-
(v)	Loss of Estate	Rs.15,000/-
(vi)	Funeral Expenses	Rs.15,000/-
	Total	Rs.12,27,504/-

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.12,27,504/-, that is, Rs.80,536/-

(1308040-1227504) less than the amount awarded by the Tribunal. The

entire compensation amount be paid to the claimants in the same proportion as awarded by the Tribunal. The compensation amount 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 to 3. 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.

April 25, 2018

(HARINDER SINGH SIDHU)

JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No