

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

FAO-1147-2000(O&M)

Date of decision:-21.11.2019

Savitri Devi and others

...Appellants

Versus

Surjeet Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vinod Gupta, Advocate
for the appellants.

Mr.Vinod Chaudhri, Advocate
for respondent No.3.

H.S. MADAAN, J.

Aggrieved by the quantum of compensation to the extent of Rs.2,44,800/- awarded by Motor Accidents Claims Tribunal, Hisar (hereinafter referred to as the Tribunal) vide award dated 21.12.1999 on account of death of Om Parkash son of Maru Ram in a motor vehicular accident, the petitioners/claimants have preferred an appeal before this Court, notice of which was given to the respondents. Respondent No.3 insurance company has put in appearance through counsel.

I have heard learned counsel for the parties besides going

through the record.

The Tribunal has assessed monthly income of deceased to be Rs.1,800/-. However, no addition towards future prospects was made. Considering the age of deceased at the time of his death in the road side accident, 40% of the amount deserves to be added as future prospects i.e. Rs.720/-. Doing that the monthly income of the deceased is taken as Rs.2,520/-.

Considering the number of dependent family members, 1/4th of the amount is to be deducted towards personal and living expenses. Doing that the dependency of claimant comes out to Rs.1,890/- per month, annual dependency comes out to Rs. 1,890 x 12 = Rs.22,680/-.

The multiplier of 18 is required to be applied. Thus, the compensation payable comes out to Rs. 22,680 x 18 = 4,08,240/-.

In view of the ratio of authority **National Insurance Company Limited Versus Pranay Sethi and Ors.**(supra), the claimants are entitled to get compensation under conventional heads i.e. Rs.15,000/- on account of loss of estate, Rs.40,000/- towards loss of consortium and Rs.15,000/- as funeral expenses, total Rs.70,000/-.

Thus, the total compensation comes out to Rs. 4,08,240 + 70,000 = 4,78,240/-.

The Tribunal has awarded compensation of Rs.2,44,800/-.

In this way, the enhanced amount comes out to Rs.2,33,440/- (4,78,240 - 2,44,800). The appellants/claimants would be entitled to get interest @ 7.5% per annum from the date of filing of the appeal till actual realization on the enhanced amount of Rs.2,33,440/-. The claimants would

share the amount of compensation equally. The other terms and conditions given in the relief clause of the impugned award shall apply to the enhanced amount as well.

With such modification, the appeal is allowed partly with costs.

21.11.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No