In the High Court of Punjab and Haryana at Chandigarh

CM No. 17610-CII of 2019 in/and
FAO No.2613 of 2000 (O&M)
Date of Decision: 29.11.2019

Smt. Santosh Mehta and others

---Appellants

versus

Pritam Dass Khurana and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Aman Sharma, Advocate
for the appellant

Mr. Pardeep Kumar, Advocate
for respondent No. 2

None for respondent No. 3

Mr. R.K.Bashamboo, Advocate,
for respondent No. 5

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Rekha Mittal, J.

CM No.17610-CII of 2019

Prayer in this application is for fixing actual date of hearing.

With the consent of counsel for the parties, the appeal is taken on Board today itself.

Application stands disposed of accordingly.

Main case

The claimants are in appeal seeking enhancement of compensation on account of death of Suresh Kumar Mehta in a motor vehicular accident that took place on 5.12.1995.

The Motor Accidents Claims Tribunal, Hisar (in short "the Tribunal") awarded consolidated sum of Rs. 10,00,000/-.

Counsel for the appellants would argue that deceased was working as Manager, Punjab National Bank. Hisar and to prove his employment and income, the claimants examined Madan Gopal PW 1, an official of Punjab National Bank, Hisar. It is further argued that as per documents produced by Madan Gopal, salary of deceased at the relevant time was Rs. 11,618.46/- per month. He would pray that adequate compensation may be allowed by following the criteria laid down by Hon'ble the Supreme Court in **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298** and **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270**.

Counsel representing the insurance company, on the contrary, would argue that appellants have been adequately compensated even by allowing consolidated sum of Rs. 10,00,000/-

Undenyingly, the deceased was working as Manager in Punjab National Bank, Hisar at salary of Rs. 11,618.46/- per month. Accordingly, income of deceased is assessed at Rs. 11,620/- per month. The deceased was less than 40 years of age. Claimants shall be entitle to increase in income for future prospects @ 50%. The application for compensation has been filed by the widow, minor daughter and mother of the deceased. Admissible deduction for personal expenses would be $1/3^{rd}$. The deceased was 38 years old and admissible multiplier is 15. In this manner, loss of dependency is Rs. 20,91,600/- [(11620 x12x15) + (50% thereof) – ($1/3^{rd}$)].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs. 50,000/-, detailed hereunder:-

Loss of consortium	Rs. 30,000/-
Expenses on funeral	Rs. 10,000/-
Loss of estate	Rs. 10,000/-

Total compensation is Rs. 21,41,600/- and the additional amount is Rs. 11,41,600/-, payable with interest @ 7% per annum from the date of petition till realization, to widow of the deceased, to be invested in fixed deposit for a period of one year.

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

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

29.11.2019
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No