

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

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Date of decision: 15.10.2019

FAO No.2630 of 2001 (O&M)

Gurmit Kaur and another

... Appellants

Versus

Shri Rikhi Ram and others

... Respondents

FAO No.640 of 2002 (O&M)

Amarjit Kaur and another

... Appellants

Versus

Shri Rikhi Ram and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Bhag Singh, Advocate
for the appellants (FAO-2630-2001).

Mrs. Kiran Bala Jain, Advocate
for the appellants (FAO-640-2002).

Mr. JS Khattar, Advocate for
Mr. Deepak Sharma, Advocate
for respondent No.4 (FAO-2630-2001).

Mrs. Swatantar Kapoor, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.2630 of 2001 and 640 of 2002 as these have emerged out of the same award passed by the Motor Accidents Claims Tribunal, Ambala whereby compensation has been assessed on account of death of Karamjit Singh.

The Tribunal awarded Rs.3,81,976/-, detailed hereunder:-

Monthly income of the deceased	Rs.2500/-
Monthly loss of dependency	Rs.1736/-
Multiplier	18
Loss of dependency	Rs.3,74,976/-
Expenses on funeral	Rs.2000/-
Loss of consortium	Rs.5000/-

Income of the deceased assessed by the Tribunal is correct and

affirmed. Claimants shall be entitle to addition in income for future prospects @ 40%. The claim has been filed by the widow, minor son and Smt. Amarjit Kaur, widowed mother of the deceased. As such, admissible deduction for personal expenses would be 1/3rd. Multiplier applied by the Tribunal is correct and affirmed. In view of the above, loss of dependency is calculated at Rs.5,04,000/- [(2500 x 12 x 18) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.5,74,000/- and additional amount is Rs.1,92,024/- (5,74,000 – 3,81,976), payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased.

Counsel for the insurance company would argue that the Tribunal allowed interest @ 12% per annum and appellants may not be granted interest on the additional amount allowed by this Court. For this purpose, reference has been made to judgment of Hon'ble the Supreme Court **Smt. Shantaben and ors. Vs. National Power Transport and another, Civil Appeal No.2523 of 2019 (arising out of SLP(C) No.994 of 2019)** wherein the Apex Court has allowed interest @ 6% per annum only if the additional amount is not deposited by the insurer within a period of 30 days from the date of judgment.

The insurance company has not filed any appeal to assail grant of interest @ 12% per annum by the Tribunal. The insurance company has already discharged its liability with regard to payment of compensation along with interest awarded by the Tribunal. As the claimants have been held entitle to additional amount while disposing of the appeal, there is no reason to deny them interest at a reasonable rate on the amount enhanced in appeal. Accordingly, the additional amount shall carry interest @ 7.5% per annum from the date of petition till realization.

The appeals are partly allowed in the aforesaid terms.

15.10.2019

(REKHA MITTAL)

ashok

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes / No

Yes / No