

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 3458 of 2019 (O&M)

Date of decision : May 28, 2019

The Oriental Insurance Company Ltd.Appellant

Versus

Sanjay and othersRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Harsh Aggarwal, Advocate
for the appellant.

LISA GILL, J.

Present appeal has been filed by the Oriental Insurance Company Ltd. challenging award dated 11.01.2019 passed by the learned Motor Accident Claims Tribunal, Sonipat (hereinafter referred to as the 'Tribunal'), being aggrieved of the quantum of compensation awarded by the learned Tribunal in a petition under Section 166 of the Motor Vehicles Act filed by the respondents – claimants.

Learned Tribunal on considering the evidence on record, facts and circumstances concluded that Smt. Manju @ Archana Lata died in the accident which took place on 21.08.2017 due to rash and negligent driving of the offending Haryana Roadways bus bearing registration No. HR-56A-3680 by its driver - respondent No. 4. Learned Tribunal while accepting the deceased to be a house wife assessed her income as ₹8,280/- per month with reference to the minimum wages of an unskilled labourer in the State of Haryana at the time of the accident. While not affording any deduction in view of the judgment of Division of this Court in **Paramjit Singh and another versus Dilbagh Singh @ Bagga and others 2014 (4) RCR (Civil)**

time of the accident. Learned Tribunal afforded compensation of ₹22,36,560/- to the claimants detailed as hereunder:-

1.	Monthly salary	₹8,280/-
2.	40% increment on account of future prospects	₹3,312/-
3.	Total monthly salary	₹11,592/-
4.	Annual dependency	₹1,39,104/-
5.	Multiplier applied	15
6.	Loss of dependency	₹20,86,560/- (1,39,104 x15)
7.	Conventional heads	₹ 70,000/-
8.	Loss of filial consortium to appellants No. 2 and 3	(₹40,000/- each) ₹80,000/-
	Total	₹22,36,560/-

Heard learned counsel for the appellant.

There is no dispute regarding the death of Manju @ Archana Lata in the motor vehicle accident on account of rash and negligent act of the driver of the offending bus. There is further no dispute that the deceased was 38 years old and a house wife. Though learned counsel has argued that appropriate deduction should have been effected, he is unable to deny that the Division Bench of this Court in **Paramjit Singh's** case (supra) has held that no deduction is to be effected in the case of a house wife while assessing loss of dependency. Multiplier of 15 has been correctly applied. Increment on account of future prospects has been afforded in view of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited versus Pranay Sethi and others 2017 (4) RCR (Civil) 1009**, and compensation under conventional heads has also been afforded in terms of judgments of the Hon'ble Supreme Court in **Magma General Insurance Company Limited versus Nanu Ram Alias Chuhru Ram and other 2018 (4) RCR (Civil) 333** and decision dated 14.03.2019 of this Court in FAO No. 2110 of 2016 and other connected matters.

Learned counsel for the appellant is unable to point out any ground whatsoever for deduction of the compensation awarded by the learned Tribunal in this case.

No other argument has been addressed.

There is a delay of 33 days in filing of FAO No. 3458 of 2019. Keeping in view the fact that the appeal is decided on merits, the question of delay in filing of this appeal is rendered academic. Application is, accordingly, disposed of.

Appeal is, accordingly, dismissed with no order as to costs.

May 28, 2019

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No