

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

**F.A.O. No. 10344 of 2014 (O&M)
DATE OF DECISION :- October 30, 2019**

Pardeep Kaur and others

...Appellants

Versus

Lovejeet Singh and others

...Respondents

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

Present:- None for the appellants.

Mr. Ravinder Arora, Advocate for respondent No. 3.

C.M. No. 28562-CII of 2014

There is delay of 212 days in filing of the appeal. An application under Section 5 of the Limitation Act has been filed for condonation of such delay. Though the application is being opposed by learned counsel for the Insurance company but I find sufficient grounds to accept the application and condone the delay. Therefore, the application is allowed and delay is condoned.

F.A.O. No. 10344 of 2014-

Briefly stated the facts of the case are that on account of death of Rajwant Singh in a motor vehicular accident, which took place on 23.3.2012 at about 9.15 P.M., in the area of Police Station Sahnewal, District Ludhiana, due to rash and negligent driving of Indigo Car bearing registration No. CH-01-AA-7755 by respondent No. 1 Lovejeet Singh, legal representatives of deceased namely his widow Pardeep Kaur, daughters Rajni, Narinder Kaur and son Paramjit Singh, mother Jeet Kaur had brought a claim petition under Section 166 of the Motor

Vehicles Act, 1988 against respondents i.e. Lovejeet Singh-driver, Parminderjit Singh-owner and United India Insurance Co. Ltd, Ludhiana-insurer of Indigo Car bearing registration No. CH-01-AA-7755 (hereinafter referred to as the offending Car), claiming compensation to the tune of Rs.30 lacs.

On being put to notice, all the three respondents appeared and contested the claim petition. Issues on merits were framed. The parties were afforded adequate opportunities to lead evidence.

Thereafter hearing arguments advanced by learned counsel for the parties, the Motor Accident Claims Tribunal, Ludhiana vide Award dated 19.10.2013 awarded compensation of Rs.7,55,080/- to the claimants payable by all the three respondents jointly and severally. The terms with regard to apportionment and mode of payment have been given in the Award.

The claimants were not satisfied with the compensation awarded to them by the Motor Accident Claims Tribunal, Ludhiana and have brought the present appeal seeking enhancement of compensation of the said amount.

Notice of the appeal was given to the respondents. Respondent No. 3-Insurance Company has put in appearance through its counsel.

The case is quite old. There is no representation on behalf of the appellants, therefore, I proceed to decide the case with the assistance of learned counsel for the Insurance Company and going through the record.

The Tribunal has taken the age of the deceased to be 46 years in view of the entry in his post mortem report to be 45½ years. The monthly income of the deceased has been assessed to be Rs.4000/ per month as a driver. The amount so taken appears to be somewhat on the lower side keeping in view the avocation. Therefore, it would be proper and appropriate to take monthly income of the deceased to be Rs.6,000/- per month. Keeping in view the age of the deceased, 25% of the amount is to be added towards future prospects. Doing that monthly

income of the deceased is taken to be Rs.7500/- (6000 + 1500). Keeping in view the number of dependent family members to be 5, 1/4th of the amount is to be deducted towards personal and living expenses of the deceased. The amount comes out to Rs.5625/-. The annual dependency comes out to Rs.67,500/- (5625 x 12). Keeping in view the age of the deceased multiplier of 13 is to be applied. Doing that the amount comes out to Rs.8,77,500/- (67,500 x 13). A sum of Rs.70,000/- is to be added under conventional Heads. Doing that total compensation the total compensation comes out to Rs.9,47,500/- (8,77,500 + 70,000). The Tribunal has awarded compensation of Rs.7,55,080/-. In that way the enhanced amount of compensation comes to Rs.1,92,420/-. Therefore, the appeal is accepted partly and additional compensation of Rs.1,92,420/- with interest at the rate of 7.5% per annum from the date of filing of the appeal till actual realization is awarded to the claimants payable by all the respondents jointly and severally. The other terms and conditions with regard to apportionment and payment amongst the claimants shall be the same as given in the impugned award.

With such modifications, both the appeals are allowed partly.

(H.S. MADAAN)
JUDGE

October 30, 2019
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No