

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

F.A.O No. 177 of 2014

Date of decision:- 25.09.2019

United India Insurance Co. Ltd.

...Appellant

Versus

Surjit Kumar & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vinod Chaudhry, Advocate
for the appellant.

Ms. Mansi Bansal, Advocate
for respondent No. 1

RITU BAHRI J. (Oral)

This appeal is by the insurance company disputing the liability foisted upon it by the Motor Accident Claims Tribunal, Chandigarh (for brevity, the tribunal'), vide its award dated 17.09.20013 whereby the appellant-Company (for short 'the appellant') was held liable to make the compensation to the tune of Rs.09,89,000/- in a claim petition filed under Section 163-A of the Motor Vehicles Act.

The claimants alleged that on 17.11.2010 claimant along with his wife Sukhwinder Kaur had been coming from village Bhoolpur, District Hoshiarpur. At about 7:40 P.M, when they reached in village Railmajra near Rayat Bahra College, in a car bearing No. PB-07-TZ-2010/7905 being driven by the claimant, in the meantime, a bus came in front of the car, due to which the car of the claimant struck with Bus No. PB-02-AZ-6767. Both the occupants of the car suffered multiple injuries on vital organs of their respective bodies. They were taken to Civil Hospital, Ropar from where they were referred to PGI Chandigarh. Sukhwinder Kaur died on

18.11.2010. DDR No. 20 dated 17.11.2010 was registered.

The learned Tribunal took the salary of the deceased at Rs.4000 per month and thereafter, applied the multiplier of 18. Rs.1,00,000 were awarded towards loss of consortium and Rs.25,000/- towards funeral expenses. The total compensation awarded to the claimant was Rs.9,89,000/-.

Learned counsel for the appellant has vehemently argued that the learned Tribunal has wrongly assessed the income of the deceased at Rs.4000/- per month as it was a claim petition under Section 163-A of the Act and further Rs.1,25,000/- under conventional head is on the higher side. The payment under conventional heads should have been given as per 2nd Schedule of the Motor Vehicles Act.

Heard learned counsel for the parties.

The parties are not in dispute that the accident had taken place. However, the learned Tribunal has erred in law in awarding the compensation. Thus, the compensation awarded by the tribunal is modified as under:-

<i>Sr. No .</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Notional Income	Rs.40000/- annually
(ii)	Compensation after multiplier of 18 is applied	Rs.40000 X 18 = Rs.07,20,000/-
(vi)	Conventional heads (loss of estate, funeral charges and loss of consortium	Rs.9500/-
	Total Compensation	Rs.07,29,500/-

In view of the above, order/award dated 17.09.2013 passed by the Tribunal is modified to the above extent and the appellant-Insurance Company is held liable to pay the compensation to the claimants to the tune

of Rs.07,29,500/- instead of Rs.09,89,000/-. However, The amount of compensation of Rs.07,29,500/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellants shall also get interest @ 9% in view of judgment of Hon'ble the Apex Court in Civil Appeal No. 4528-2019 titled as ***Dara Singh @ Dhara Banjara vs. Shyam Singh Varma and ors, decided on 01.05.2019.***

The appeal stands allowed to the above extent.

25.09.2019

G Arora

(***RITU BAHRI***)
JUDGE