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

FAO No.1134 of 2016 (O&M)
Date of Decision: 17.07.2019

Karaj Singh and others

.....Appellants

Versus

Gurmeet Singh and others

........Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Ithlesh, Advocate for
Mr. L.S. Sidhu, Advocate
for the appellants.

Mr. K.V.Singh Ahluwalia, Advocate
for respondent No.2.

Mr. P.S. Bedi, Advocate
for respondent No.3-insurance company.

NIRMALJIT KAUR, J. (ORAL)

CM-3483-CII-2016

For the reasons mentioned in the application, the same is allowed and the delay of 142 days in filing of the appeal is condoned, subject to the non payment of interest for the said delayed period.

CM stands disposed of.

FAO-1134-2016

The present appeal has been filed for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Patiala (for short, the Tribunal), vide award dated 25.02.2015.

While praying for enhancement of compensation, learned counsel for the appellants submitted that the income of the deceased has been assessed as ₹3,000/- per month is inadequate, inasmuch as she was Karta of her family being widow. She was engaged in agriculture and dairy farming and earning about ₹15,000/- per month. Secondly, taking into account the age of the deceased to be 65 years, the multiplier of 7 should have been applied instead of 5. Lastly, no deduction should have been made towards her personal expenses, whereas, the Tribunal has deducted 1/3rd.

Learned counsel for respondent No.3-insurance company does not dispute that the income of the deceased has been assessed on the lower side and are also not in a position to dispute with respect to the multiplier required to be applied was 7 and not 5 as also qua the deduction, which has wrongly been made.

In view of the admitted position and settled proposition of law as laid down by the Hon'ble Apex Court in the cases of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680 and Sarla Verma vs. Delhi Transport Corporation and another (2009) 6 SCC 121, the appellants are held entitled to the compensation by taking the income of the deceased as ₹6,000/- per month with a multiplier of 7. Further, deduction of 1/3rd too could not be made.

In view of above, the compensation is enhanced as per calculation provided below:-

Sr. No.	Head	Amount assessed
1	Income	₹6,000/- per month (6000 x 12 = 72000 per annum)
2	Multiplier	5%
3	Compensation awarded	72000 x 7 = 5,04,000/-
4	Conventional Heads	₹30000/-
5	Total	₹5,34,000/-
6	Compensation awarded by the Tribunal	₹1,45,000/-
7	Differences	₹504000 – 145000 = ₹3,59,000/-

Thus, the enhanced compensation of ₹3,59,000/- be paid to the appellants within two months from today alongwith 6% interest per annum from the date of filing of claim petition. However, the appellants are not entitled to the interest of delayed period of 142 days. In case the said amount is not paid within two months, the same shall be paid with 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

17.07.2019
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No