

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH.

FAO No.2852 of 2015 (O&M)  
Date of Decision: May 09, 2019.

Rajbala and others

.....APPELLANT(s).

VERSUS

Nand Kishore and others

.....RESPONDENT(s).

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Sumit Gupta, Advocate  
for the appellant (s).

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**SURINDER GUPTA, J.**

Motor Accident Claims Tribunal, Jhajjar (hereinafter referred to as 'the tribunal') vide award dated 31.01.2015 allowed compensation of ₹6,50,000/- for death of Jai Pal, husband of appellant No.1, father of appellants No.2 to 4, in a motor vehicle accident on 14.12.2012 with Car bearing registration No.HR-76-5399 (later referred to as offending vehicle).

Heard.

Learned counsel for the appellants has confined his submission only for grant of compensation as per the law settled by Hon'ble Apex Court in case of *National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009*, by awarding 10% addition in the income of the deceased towards loss of future prospects and compensation of ₹70,000/- under the conventional heads.

Notice of motion.

On behalf of respondent No.3-insurance company, Ms.

Vandana Malhotra, Advocate through Ms. Monika Jangra, Advocate has put

in appearance.

As the liability to pay amount of compensation is of insurer of the offending vehicle, service of respondents No.1 and 2 is dispensed with at this stage.

Learned counsel for respondent No.3-insurance company has no objection if the compensation awarded in this case is reassessed as per the ratio of law laid down in case of *National Insurance Company Limited Vs. Pranay Sethi and others (supra)*.

Accordingly, in view of submissions of learned counsel for the parties and as per the ratio of law laid down in the above referred case, the compensation to which the claimants are entitled, is reassessed as follows:-

|        |                                                                          |                                   |
|--------|--------------------------------------------------------------------------|-----------------------------------|
| (i)    | Name of the deceased                                                     | Jai Pal                           |
| (ii)   | Date of accident                                                         | 14.12.2012                        |
| (iii)  | Age of deceased                                                          | 51 years                          |
| (iv)   | Number of dependants                                                     | 4(Four)                           |
| (v)    | Income of the deceased as assessed by the tribunal                       | ₹6000 per month                   |
| (vi)   | 10% of above (i) to be added as loss of future prospects                 | (₹6000+₹600)=<br>₹6600 per month  |
| (vii)  | Deduction of 1/4 <sup>th</sup> towards personal expenses of the deceased | (₹6600-₹1650)=<br>₹4950 per month |
| (viii) | Compensation after multiplier of 11 is applied                           | (₹4950X12X11)=<br>₹653400         |
| (ix)   | Loss of consortium                                                       | ₹40000                            |
| (x)    | Loss of estate                                                           | ₹15000                            |
| (xi)   | Funeral expenses                                                         | ₹15000                            |
| Total  |                                                                          | ₹7,23,400/-                       |

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹6,50,000/- to ₹7,23,400/- for death of Jai Pal. Liability to pay the amount of compensation shall be as per award. The

enhanced amount of compensation will carry interest @ 7.5% per annum

from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants as follows:-

- |      |                                |            |
|------|--------------------------------|------------|
| (i)  | Appellant-claimant No.1-widow  | : 55%      |
| (ii) | Appellants-claimants No.2 to 4 | : 15% each |

Respondent-insurance company will deposit the shares of appellants-claimants, who are major, in their bank accounts or pay the same through demand drafts. The shares of appellant(s), who as per their age given at the time of filing of the petition is/are still minor, will be deposited in some nationalized bank as fixed deposit till the period they attain majority. It is, however, made clear that the bank may take the documents regarding the age of the minor(s) as required at the time of deposit of the amount and the minor(s) shall not be asked to bring the fresh order from the tribunal to get the payment of the amount deposited in their name after the date of attaining majority. The above direction has been issued to save the claimants from unnecessary harassment caused due to directions the bank usually give to bring the order of the tribunal to get the payment even after attaining the age of majority. The claimants shall also be entitled to costs of this appeal.

In case of demise of any of above claimant(s) before his/her share of compensation is disbursed, the same shall be apportioned equally amongst other surviving claimants.

**May 09, 2019.**  
Sachin M.

**( SURINDER GUPTA )**  
**JUDGE**

***Whether speaking/reasoned:***

***Yes/No***

***Whether Reportable:***

***Yes/No***