

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

223

FAO-2710-2016 (O&M)

Date of decision: 14.11.2019

MANAGING DIRECTOR, PEPSU ROAD TRANSPORT CORPORATION
AND ANR ... Appellants

Versus

KULDEEP KAUR AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ankit Aggarwal, Advocate for the appellants.
Mr. Punit Jain, Advocate/Amicus Curiae
for respondents No.1 to 3.
Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 02.01.2016 passed by the Motor Accidents Claims Tribunal, Patiala whereby compensation has been assessed on account of death of Gurdev Singh in a motor vehicular accident that took place on 04.11.2014.

Counsel for the appellants would inform that appeal has been filed to assail only quantum of compensation.

The Tribunal awarded Rs.16,13,050/-, detailed hereunder:-

Monthly income of the deceased	Rs.32,290/-
Multiplier	5
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.14,53,050/-
Expenses on funeral	Rs.10,000/-
Loss of love and affection, deprivation of protection, social security etc.	Rs.1,00,000/-
Loss of love and affection, pain and sufferings, loss of consortium, deprivation of protection, social security etc.	Rs.50,000/-

The sole submission made by counsel for the appellants is that compensation allowed under conventional heads may be modified in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited**

and another AIR 2018 SC 5034.

Counsel for the respondents/claimants and Sh. Punit Jain, Advocate appointed as amicus curiae would support assessment of compensation by the Tribunal.

When the case is examined in the light of judgments relied upon by counsel for the appellants, there is no escape from conclusion that respondent/claimants shall be entitle to a sum of Rs.70,000/- under conventional heads, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

On examining the calculation made by the Tribunal it is revealed that the Tribunal has wrongly calculated loss of dependency at Rs.14,53,050/- and it should be Rs.12,91,600/-. Accordingly, compensation assessed by the Tribunal towards loss of dependency is reduced to the extent of Rs.1,61,450/- (14,53,050 – 12,91,600).

As a consequence, compensation assessed by the Tribunal is reduced to the extent of Rs.2,51,450/- (1,61,450 + 90,000). The appellants shall be entitle to recover the excess amount, if already paid, by filing an appropriate application before the Tribunal.

In view of what has been discussed hereinbefore, the appeal is partly allowed in the aforesaid terms.

14.11.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No