

FAO No.3799 of 2016

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

FAO No.3799 of 2016
Date of decision: 11.09.2019

Manjit Singh and another

.....Appellants

versus

Shyam Lal Thakur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Anuj Balian, Advocate, for the appellants.
Mr. Gopal Mittal, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Claimants through this appeal have sought enhancement of compensation, modifying impugned award dated 10.09.2015 of the Motor Accident Claims Tribunal, Panchkula (for short 'the Tribunal'), whereby appellants were awarded compensation of ₹5,95,754/- along with interest at the rate of 6% per annum from the date of filing the claim petition till realization, against the death of mother of the appellants, namely, Shakuntla Devi in a motor vehicular accident.

Learned counsel for the appellants *inter alia* contends that the Tribunal has erred in making deduction of 1/3rd towards personal expenses of the deceased, ignoring the fact that deceased was a house wife and, thus, in view of dictum of this Court in ***Paramjit Singh and another v. Dilbagh Singh @ Bagga and others***, 2014(4) R.C.R.(Civil)

FAO No.3799 of 2016

895, no deduction could have been made towards her personal expenses. Further relying upon a judgment of a Co-ordinate Bench of this Court in *Shingara Singh v. Sukhdev Singh and others*, FAO No.3682 of 2018 decided on 04.12.2018, learned counsel contends that notional income of the deceased has also been taken on lower side, which ought to have been considered equivalent to a skilled workman, which at the prevalent time was ₹4,457/- per month.

Learned counsel for respondent No.3 – Insurance Company has not been able to controvert above submissions of learned counsel for the appellants.

Learned counsel for the appellants has produced calculation, duly signed by him, which are taken on record as Mark-'A'. According to the calculation, appellants are entitled to enhanced compensation of ₹2,99,578/- more over and above the compensation already awarded by the Tribunal. Learned counsel for respondent No.3 – Insurance Company has not been able to controvert or point out any infirmity in the above calculation (Mark-A). Hence, the same is accepted.

In view of the above, the claimant-appellants are held entitled to compensation of ₹2,99,578/- over and above the amount of ₹5,95,754/- already awarded by the learned Tribunal, vide Award impugned herein. Respondent No. 3 – Insurance Company, through its counsel is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within one month from today, along with up-to-date interest @ 7.5% per annum from the date of filing

FAO No.3799 of 2016

of claim petition till realization, for onward disbursement to the claimant-appellants, in proportion so arrived at by it, in accordance with law against proper receipt and identification.

In case aforesaid enhanced amount is not deposited within stipulated time, Insurance Company would be liable to pay the same with interest @15% from the date of institution of claim petition till realization.

Disposed of .

September 11, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No