

**In the High Court of Punjab and Haryana at Chandigarh**

**FAO-5533 of 2015 (O&M)**  
**Date of Decision: 15.5.2019**

**Sheela Rani and others**

**---Appellants**

**versus**

**Nand Kishore and others**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present: None**

**\*\*\***

**Rekha Mittal, J.**

The claimants are in appeal seeking enhancement of compensation on account of death of Ashok Kumar in a motor vehicular accident that took place on 5.8.1991.

The Motor Accidents Claims Tribunal, Bathinda (in short “the Tribunal”) awarded Rs. 2,93,000/-, detailed hereunder:-

|                                 |                |
|---------------------------------|----------------|
| Monthly income of the deceased  | Rs. 1500/-     |
| Deduction for personal expenses | 1/3rd          |
| Multiplier                      | 14             |
| Loss of dependency              | Rs. 1,68,000/- |
| Loss of consortium to widow     | Rs. 1,00,000/- |
| Funeral expenses                | Rs. 25,000/-   |

The plea of claimants is that the deceased was employed as driver on Jeep no. HRE-2657 of respondent No.1 namely Nand Kishore and was drawing salary of Rs. 1500/- per month. The Tribunal has assessed income of the deceased by accepting plea of the claimants. Claimants shall be entitle to addition in income for future prospects @ 25%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and

affirmed. In this manner, loss of dependency is calculated at Rs. 2,10,000/-  
[1500 x12 x14 =2,52,000 + 63000(25%)= 3,15,000-1,05,000 (1/3<sup>rd</sup>)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs. 70,000/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, detailed hereunder:-

Loss of consortium to widow Rs. 40,000/-

Expenses on funeral Rs. 15,000/-

Loss of estate Rs. 15,000/-

Total compensation is Rs. 2,80,000/- and compensation assessed by the Tribunal is slightly more. That being so, compensation assessed by the Tribunal is kept intact.

The appeal stands disposed of.

**(Rekha Mittal)**  
**Judge**

**15.5.2019**

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No