

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-5608-2015 (O&M)

Date of decision: 10.09.2019

Dilwar Singh and others

..... Appellants

Versus

Arjun Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Neeraj Khanna, Advocate for the appellants.

Mr. Amit Jaiswal, Advocate
for respondent No. 3-Insurance Company.

RAMENDRA JAIN, J. (ORAL)

CM-17732-CII-2015

For the reasons explained in the application which is supported by an affidavit, the same is allowed. Delay of 135 days in filing the instant appeal is condoned.

FAO-5608-2015 (O&M)

Through this appeal, claimants have claimed enhancement of compensation, modifying the impugned Award dated 18.11.2014 of Motor Accident Claims Tribunal, Ropar (for short-'the Tribunal'), whereby they have been awarded compensation to the tune of ₹7,90,000/- against the death of Kashmir Kaur, wife of appellant No. 1 and mother of appellants No. 2 and 3.

Both the parties are *ad idem* that this appeal has to be decided in accordance with the principles laid down in **National**

Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.

Learned counsel for the appellants *inter alia* contends that learned Tribunal has erred in illegally deducting 1/3rd from the monthly income of deceased towards personal expenses, without appreciating the fact that deceased was a house wife. No deduction could have been made, inasmuch as, a housewife renders her gratuitous service to her family members round the clock 24 x 7.

As per calculations (Mark A) furnished by learned counsel for the claimant-appellants which is taken on record, the total amount of compensation payable to claimant-appellants, according to **Pranay Sethi's case (supra)**, comes to ₹11,50,000/- less ₹7,90,000/-, awarded by the learned Tribunal. Meaning thereby, the claimant-appellants are entitled to ₹3,60,000/- more over and above the compensation awarded by the learned Tribunal.

Learned counsel for respondent No. 3-Insurance Company, has not been able to controvert or point out any infirmity in the above calculations (Mark-A). Hence, the same is accepted.

In view of the above, claimant-appellants are held entitled to compensation of ₹3,60,000/- over and above the amount of ₹7,90,000/- 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 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 10, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No