

In the High Court of Punjab and Haryana at Chandigarh

FAO- 9386 of 2014(O&M)

Date of Decision: 8.2.2019

Jagdish Singh and others

---Appellants

versus

Raj Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Amardeep Singh Mann, Advocate
for the appellants**

**Mr. Amrinder Singh Sidhu, Advocate,
for the insurance company**

Rekha Mittal, J.

CM No. 26040-CII of 2014

Prayer in this application is for condoning delay of 78 days in re-filing the appeal.

In view of averments made in the application supported by an affidavit of Mr. Amardeep Singh Mann, Advocate, counsel for the applicants and arguments advanced, application is allowed and delay of 78 days in refiling the appeal stands condoned.

Disposed of accordingly.

CM No. 26039-CII of 2014

Prayer in this application is for condoning delay of 317 days in filing the appeal.

In view of averments made in the application supported by

affidavit of appellant No. 1 coupled with that provisions of the Motor Vehicles Act for grant of compensation are benevolent social legislation to save the victim family from financial loss caused due to accident, the application is allowed, delay of 317 days in filing the appeal stands condoned subject, however, to the condition that in case the compensation is enhanced, the applicants-appellants shall not be entitle to interest for the period of delay.

Disposed of accordingly.

Main case

The claimants are in appeal seeking enhancement of compensation on account of death of Harpreet Kaur @ Baljinder Kaur in a motor vehicular accident that took place on 15.3.2011.

The Motor Accidents Claims Tribunal, Mansa (in short “the Tribunal”) has awarded compensation of Rs.3,32,000/-, detailed hereunder:-

Monthly value of services of the deceased	Rs. 3000/-
Deduction for personal expenses	1/3 rd
Multiplier	13
Loss of dependency	Rs. 3,12,000/-
Loss of consortium	Rs. 10,000/-
Funeral Expenses	Rs. 5,000/-
Loss of estate	Rs. 5,000/-

The application for compensation has been filed by the husband and two minor children of deceased Harpreet Kaur @ Baljinder Kaur. Taking a clue from minimum wage available at the relevant time coupled with that a house maker has multifarious duties to perform particularly in the circumstances that the deceased left behind two children aged 13 and 10 years, value of services of the deceased is assessed at Rs. 6000/- per month.

No deduction for personal expenses is to be made in the light of Division Bench judgment of this Court **Paramjit Singh and another vs. Dilbag Singh @Bagga and others, 2014(4) RCR(Civil) 895**. The deceased was 40 years old and admissible multiplier would be 15. In this manner, loss of dependency is calculated at **Rs. 10,80,000/-** [6000 x 12 x15].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs. 55,000/- 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	Rs. 40,000/-
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Expenses on funeral	Rs. 15,000/-
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Total compensation is Rs. 11,35,000/- and the additional amount is **Rs.8,03,000/-** (11,35,000-3,32,000), payable with interest @ 7.5% per annum from the date of petition till realization except for a period of delay of 317 days in filing the appeal to minor children of the deceased in equal ratio, to be invested in fixed deposits till they attain the age of majority or for a period of three years, whichever is later.

The appeal is allowed in the aforesaid terms.

(Rekha Mittal)
Judge

8.2.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No