IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.143 of 2017 (o&m)
Date of Order:18.01.2019

Darshan Singh and others

..Appellants

Versus

Charanjit Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anil K. Ahluwalia, Advocate
for the appellants.

Mr. Bikramjit Aurora, Advocate
for respondents no.1 to 3.

ANIL KSHETARPAL, J(Oral)

Late Sh. Sukhwinder Singh died in a motor vehicular accident, which took place on 17.07.2014. Late Sh. Sukhwinder Singh was agriculturist, owning approximately 3 acres of land.

Learned Motor Accident Claims Tribunal, Tarn Taran, assessed the income at Rs.8000/- per month and keeping in view the fact that his two sons are major, aged about 30 and 32 years, imposed deduction of 50% of the income assessed, to work out dependency for the widow at Rs.4,000/- per month. The court has applied multiplier of 7 and thus worked out amount at Rs.3,36,000/- apart from other heads. Tribunal has awarded Rs.25,000/- towards funeral expenses and Rs.1,00,000/- as loss of consortium. Apart therefrom, medical expenses on medicines have also been awarded.

The Constitution Bench of the Hon'ble Supreme Court in the case of ***National* Insurance Company Limited vs. *Pranay Sethi and others, JT 2017(10) SC 450*** has held that at the most maximum amount under the head Funeral Expenses could be Rs.15,000/-, whereas loss of consortium is Rs.40,000/- However, there is another head i.e. loss of estate under which Rs.15,000/- is payable.

Accordingly, the amount under the head loss of consortium is reduced to Rs.40,000/-, whereas funeral expense is reduced to Rs.15,000/-. However, loss of estate would be Rs.15,000/-.

Keeping in view the aforesaid facts, amount awarded is re-calculated as under:-

Heads	***Compensation awarded by MACT***	***Compensation awarded by Hon'ble High Court***
Income Assessed	Rs.8000/-	Rs.8000/-
(-) 50% deduction	Rs.4000/-	Rs.4000/-
Annual Dependency	Rs.4000x12=48,000/-	Rs.4000x12=48,000/-
Multiplier	Rs.48000x7=3,36,000/-	Rs.48000x7=3,36,000/-
Conventional Heads		
Funeral Expenses	Rs.25,000/-	Rs.15,000/-
Loss of Estate	NIL	Rs.15,000/-
Consortium	Rs.1,00,000/-	Rs.40,000/-
Medical Bills	Rs.40,572/-	Rs.40,572/-
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	Rs.5,01,572/-	Rs.4,46,572/-

The compensation amount reduced to Rs.4,46,572/-

Thus, there will be reduction of Rs.55,000/-.

C.M.No.523-CII-2017

Reply to the application has been filed on behalf of respondent nos.1 to 3 in Court today, which is taken on record.

For the reasons stated in the application, delay of 202 days in filing the appeal is condoned.

<u>C.M.No.12592-CII-2017</u>

Reply to the application under Order 41 Rule 27 CPC has been filed on behalf of respondent nos.1 to 3 in Court today, which is taken on record.

Dismissed as not pressed.

January 18, 2019 **(ANIL KSHETARPAL)**
nt **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No