

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2035 of 2017(O&M)

Date of decision: 18.1.2019

Rajesh Devi and othersAppellants

VERSUS

Krishan Kumar and othersRespondents

CORAM: **HON’BLE MRS. JUSTICE REKHA MITTAL**

Present: None for the appellants.

 Ms. Swati Batra, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Hisar (in short ‘the Tribunal’) on account of death of Ishwar in a motor vehicular accident that took place on 05.03.2015.

The Tribunal has awarded compensation of Rs.16,50,000/- detailed hereunder:-

Monthly income of the deceased	Rs.10000/-
Deduction for personal expenses	1/4 th
Multiplier	15
Funeral and transportation expenses	Rs.50,000/-
Loss of consortium to widow	Rs.1,00,000/-
Loss of love and affection to children	Rs.1,00,000/-
Loss of estate (father)	Rs.50,000/-

The deceased was a driver on light motor vehicle and the Tribunal has assessed his income at Rs.10,000/- per month. There is no justification for increase in income of the deceased when examined in the light of notification issued by the State of Haryana fixing minimum wage at the relevant time. However, the claimants shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency comes to Rs.18,90,000/- [Rs.18,00,000/- (Rs.10000/- x 12 x 15) + Rs.7,20,000/- (40% addition towards future prospects) – Rs.6,30,000/- (1/4th deduction towards personal expenses)].

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

Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Loss to estate	Rs.15,000/-

In view of the above, total compensation is Rs.19,60,000/- and the additional amount is Rs.3,10,000/- (Rs.19,60,000/- - Rs.16,50,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to Naveen and Komal in equal ratio, to be invested in fixed deposit by the Tribunal till they attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

The Registry is directed to send a copy of the order to the claimants in order to enable them to realize the additional amount in the terms indicated above.

JANUARY 18, 2019
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no