

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision: 12.7.2019

1.

FAO No. 6988 of 2017(O&M)

The Oriental Insurance Co Ltd.

.....Appellant

VERSUS

Soni Devi and others

.....Respondents

Present: Mr. Sanjiv Pabbi, Advocate for the appellant.

Ms. Sumati Jund, Advocate for respondents No.1 to 5.

None for respondent No.6.

2.

FAO No. 6992 of 2017(O&M)

The Oriental Insurance Co Ltd.

.....Appellant

VERSUS

Punita Devi and others

.....Respondents

Present: Mr. Sanjiv Pabbi, Advocate for the appellant.

Ms. Sumati Jund, Advocate for respondents No.1 to 6.

None for respondent No.7.

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

REKHA MITTAL, J. (Oral)

This order will dispose of FAO No.6988 and 6992 of 2017 as these have emerged out of the same accident that took place on 20.07.2016 in which Mohan Paswan and Ram Lochan Paswan sustained injuries that proved fatal.

FAO No.6988 of 2017 has been filed to assail the award passed in favour of Soni Devi and others with regard to death of Mohan Paswan whereas the other appeal has been filed against grant of compensation qua death of Ram Lochan Paswan.

Counsel for the insurance company would inform that appeals have been filed to assail only quantum of compensation.

FAO No. 6988 of 2017

The Motor Accidents Claims Tribunal, S.A.S. Nagar (in short 'the Tribunal') has awarded compensation of Rs.20,42,640/- detailed hereunder:-

Monthly income of the deceased	Rs.7920/-
Addition in income for future prospects	50%
Multiplier	17
Deduction for personal and living expenses	1/4 th
Loss of dependency	Rs.18,17,640/-
Loss of consortium to widow	Rs.1,00,000/-
Loss of love and affection	Rs.1,00,000/-
Funeral Expenses	Rs.25,000/-

The claimants/respondents shall be entitle to addition in income for future prospects at the rate of 40% viz-a-viz 50% allowed by the Tribunal. The remaining criteria followed for computing loss of dependency is correct and affirmed. In this manner, loss of dependency comes to Rs.16,96,464/- [Rs.16,15,680/-(Rs.7920 x 12 x 17) + Rs.6,46,272/- (40% towards future prospects) - Rs.5,65,488/-(1/4th 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/- under conventional heads detailed hereunder:-

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

In view of the above, total compensation is Rs.17,66,464/- and compensation awarded by the Tribunal is reduced to the extent of Rs.2,76,176/- (Rs.20,42,640/- - Rs.17,66,464/-). The insurance company shall be entitle to recover the excess amount, if already paid, by filing an application before the Tribunal.

Disposed of accordingly.

FAO No. 6992 of 2017

In view of findings recorded in FAO No. 6988 of 2017, the claimants/respondents shall be entitle to addition in income for future prospects at the rate of 40% viz-a-viz 50% allowed by the Tribunal. The remaining criteria followed for computing loss of dependency is correct and affirmed. In this manner, loss of dependency comes to Rs.16,96,464/- [Rs.16,15,680/-(Rs.7920 x 12 x 17) + Rs.6,46,272/- (40% towards future prospects) - Rs.5,65,488/-(1/4th towards personal expenses)].

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Disposed of accordingly.

JULY 12, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no