

In the High Court of Punjab and Haryana at Chandigarh

FAO- 8610 of 2017 (O&M)
Date of Decision: 24.7.2019

Balwinder Kaur and another

---Appellants

versus

Surinder Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Swarn Sandhir, Advocate, for the appellants

Rekha Mittal, J.

Mr. R.C.Gupta, Advocate, has caused appearance on behalf of the insurance company.

The claimants are in appeal seeking enhancement of compensation on account of death of Lakhwinder Singh @ Lakha in a motor vehicular accident that took place on 23.6.2016.

The Motor Accidents Claims Tribunal, Patiala (in short “the Tribunal”) awarded Rs.11,21,112/-, detailed hereunder:-

Monthly income of the deceased	Rs. 8000/-
Deduction for personal expenses	1/3rd
Multiplier	14
Loss of dependency	Rs. 8,96,112/-
Loss of consortium to widow	Rs. 1,00,000/-
Funeral expenses	Rs. 25,000/-
Loss of love and affection to claimant No. 2	Rs. 1,00,000/-

The plea of claimants is that deceased was working as Raj Mistri and constructing buildings thereby earning Rs. 30,000/- per month. The Tribunal has noticed that no documentary evidence has been produced to prove income of deceased but income has been assessed @ Rs. 8,000/- per month. Taking a clue from notification issued by the State of Punjab

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs. 70,000/- 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:-

Total compensation is Rs, 11,90,000/- and the additional amount is Rs.68,888/- (11,90,000-11,21,112), payable with interest @ 7.5% per annum from the date of petition till realization to minor son of the deceased, to be invested in fixed deposit which shall not be paid until he attains majority or for a period of three years, whichever is later.

(Rekha Mittal)
Judge

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