

In the High Court of Punjab and Haryana at Chandigarh

**FAO- 335 of 2015(O&M)
Date of Decision: 29.3.2019**

Smt. Sehruni and another

---Appellants

versus

Satveer and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Barjinder Singh, Advocate
for Mr. Ashish Gupta, Advocate
for the appellants**

None for respondents No. 1 and 2

**Mr. Harsh Aggarwal, Advocate,
for the insurance company**

**Rekha Mittal, J.
CM No. 870-CII of 2015**

Prayer in this application is for condoning delay of 2 days in filing the appeal.

Heard.

Allowed as prayed for and delay of 2 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO- 335 of 2015

The claimants are in appeal seeking enhancement of compensation on account of death of Mustakeem in a motor vehicular accident that took place on 25.8.2011.

The Motor Accidents Claims Tribunal, Mewat (in short “the

Tribunal”) awarded Rs.7,73,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 4500/-
Deduction for personal expenses	1/3 rd
Multiplier	18
Loss of dependency	Rs. 6,48,000/-
Loss of consortium	Rs. 1,00,000/-
Funeral expenses	Rs, 25,000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. Income of the deceased, deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs. 9,07,200/-[4500 x 12 x 18 = 9,72,000 +3,88,800 (40%) =13,60,800 – 4,53,600(1/3rd)].

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:-

Loss of consortium	Rs. 40,000/-
Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 9,77,200/- and the additional amount is Rs.2,04,200/- (9,77,200-7,73,000), payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by the claimants in ratio 30:70. The amount falling to share of the minor shall be invested in fixed deposit till he attains the age of majority or for a period of three years, whichever is later. The interest accruing on the FDR shall be paid to his

mother for meeting expenses on his education and living.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

29.3.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No