

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

FAO No.1203 of 2017 (O&M)

Date of Decision.21.11.2019

Rajesh Kumar and others

...Appellants

Vs

Satwant Singh and others

...Respondents

Present: Mr. Sham Lal Bhalla, Advocate
for the appellants.

Mr. R.N. Singal, Advocate
for respondent No.3.

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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JAISHREE THAKUR J. (ORAL)

C.M. No.3859-CII of 2017

This is an application that has been filed seeking to condone delay of 25 days in filing of the appeal.

Learned counsel for the applicant-appellants submits that the delay of 25 days may be condoned subject to the condition that he will not claim interest for the aforementioned period of delay caused in filing of the appeal.

In view of statement made by counsel for the applicant-appellants, delay of 25 days in filing of the appeal is condoned.

Application is allowed. However, the appellants shall not be entitled to interest for the period of delay i.e. 25 days.

Main Case

This appeal has been preferred against the award of the Motor Accident Claims Tribunal, Ludhiana dated 1.9.2016 seeking enhancement

of compensation on account of death of one Mamta Rani, aged 30 years.

In brief, the facts are that an accident took place on 17.05.2014 when the deceased, while returning home along with her husband and two minor children on motor cycle bearing registration No.PB-10CK-2831, was hit by a bus bearing registration No.PB-10EH-0971, being driven rashly and negligently by respondent No.1. Due to impact of the accident, all the persons travelling on the motor cycle fell down and received grievous injuries. They were taken to Fortis Hospital, Ludhiana where Mamta Rani succumbed to her injuries. A criminal case bearing FIR No.58 dated 17.5.2014 under Sections 279, 337, 338, 304-A IPC was also registered. The deceased-Mamta Rani was working as a Teacher in Satluj Public School, Village Ramgarh, Ludhiana. She was also engaged in stitching and tuition work and therefore, was earning ₹12,000/- per month.

The claim petition was contested and the Tribunal allowed the claim based upon statement given by CW1 Rajesh Kumar who proved the averments made in the claim petition. The Tribunal in the absence of any concrete evidence qua employment and income of the deceased, took her notional income being a housewife as ₹5,000/- per month, applied a deduction of 1/3rd towards personal expenses and applied multiplier of 17 to assess total compensation of ₹6,83,572/- including ₹18,572/- towards medical expenses and ₹25,000/- on account of loss of consortium.

Learned counsel appearing on behalf of the appellants would contend that the amount of compensation as assessed by the Tribunal is wholly inadequate, as the Tribunal has grossly erred in assessing value of the services of a household as ₹5000/- per month whereas it ought to have been assessed at ₹7000/- per month and further erred in making a deduction

towards personal expenses, as deductions would be unsustainable in view of judgment rendered by a Coordinate Bench in **Gurmeet Singh and others Vs. Jaswinder Singh and others** in FAO No.5976 of 2016 decided on 24.04.2018. Moreover, the conventional heads are required to be assessed to the tune of ₹70,000/-.

Mr. R.N. Singal, learned counsel appearing on behalf of respondent No.3-insurance company submit that the Tribunal has assessed each and every head of compensation correctly and there is no scope for enhancement.

I have heard learned counsel for the parties and appraised the paper book. This Court is in agreement with the contentions raised by Mr. Bhalla. Keeping in view the judgment rendered in **Gurmeet Singh's** case (supra), the value of the services of deceased, being a household lady is assessed as ₹7000/- per month and a multiplier of 17 is applied based on the age of deceased, who was 30 years old at the time of her demise, thus, loss of dependency would come to ₹14,28,000. The amount of ₹18,572/- provided towards medical expenses is retained as it is based on the bills brought on record and proved by way of cogent evidence. The claimants are further provided a sum of ₹70,000/- towards conventional heads i.e. loss of estate, loss of consortium and funeral expenses.

In all, the compensation payable shall be ₹15,16,572/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of claim petition till realization except for the period of delay in filing the appeal i.e. 25 days. The liability shall remain the same as has already been determined by the Tribunal. The enhanced amount shall be distributed between minor

children of deceased in equal ratio and shall be kept in fixed deposit, to be disbursed on their attaining age of majority. However, the interest accruing on FDRs shall be payable to father of minors for meeting expenses on their education and maintenance.

The award passed by the Tribunal is modified and the appeal is allowed to the above extent.

(JAISHREE THAKUR)
JUDGE

November 21, 2019
Pankaj*

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