

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

**FAO No. 10717 of 2018 (O&M)**

Date of decision : May 24, 2019

Sukhvinder Kaur and others

.....Appellants

Versus

Showkat Ali and another

....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Ravinder Bangar, Advocate  
for the appellants.

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**LISA GILL, J.**

Present appeal has been filed by the claimants for enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred to as the 'Tribunal') on account of death of Daljeet Singh vide award dated 08.08.2016.

The claimants i.e. widow, minor children and parents of the deceased filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Daljeet Singh in a motor vehicle accident which took place on 11.10.2012.

Learned Tribunal concluded that Daljeet Singh lost his life in the motor vehicle accident which took place on 11.10.2012 due to rash and negligent driving of the offending vehicle by its driver – respondent No. 1. The deceased was working as 'Sipahi' with the Indian Army. Income of the deceased was assessed as ₹22,670/- per month as per the salary certificate (Ex.P1) proved by PW2 Subedar Major Shree Chand Singh. Learned Tribunal awarded an increment of 50% on account of future prospects keeping in view the age of the deceased i.e. 34 years at the time of the accident. Deduction of 1/4<sup>th</sup> was effected. Multiplier of 16 was applied.

Learned Tribunal afforded compensation to the appellants detailed as hereunder:-

|     |                                                    |                                   |
|-----|----------------------------------------------------|-----------------------------------|
| 1.  | Monthly salary                                     | Rs.22,670/-                       |
| 2.  | 50% additional on account of future prospects      | Rs.11,335/-                       |
| 3.  | Total monthly salary                               | Rs.34,005/-                       |
| 4.  | Annual income                                      | Rs.4,08,060/-                     |
| 5.  | Total monthly income after deduction of income tax | Rs.3,88,060/-                     |
| 6.  | 1/4 <sup>th</sup> deduction as personal expenses   | Rs.97,015/-                       |
| 7.  | Annual dependency                                  | Rs.2,91,045/- (388060-97015)      |
| 8.  | Multiplier applied                                 | 16                                |
| 9.  | Loss of dependency                                 | Rs.46,56,720/- (291045x16)        |
| 10  | Loss of consortium to widow-claimant No. 1.        | Rs. one lakh.                     |
| 11. | Loss of love and affection to children             | (Rs. 50,000/- each) Rs. one lakh. |
| 12. | Loss of estate                                     | Rs.25,000                         |
| 13. | For transportation of dead body and last rites     | Rs.20,000/-                       |

Learned counsel for the appellant submits that in view of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited versus Pranay Sethi and others 2017 (4) RCR (Civil) 1009**, he has instructions to withdraw this appeal.

There is a delay of 217 days in re-filing and 376 days in filing of FAO No. 10717 of 2018. Keeping in view the fact that the appeal is sought to be withdrawn by the appellants, the question of delay in filing of this appeal is rendered academic. Applications are, accordingly, disposed of.

Accordingly, this appeal is dismissed as withdrawn.

(Lisa Gill)  
Judge

May 24, 2019  
rts

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