

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

FAO-381-2011 (O&M)
Date of decision : 04.03.2020

Vidya Devi and others

...Appellants

Versus

Subash Kasana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rishav Jain, Advocate
for the appellants.

Mr. Paul S. Saini, Advocate
for New India Assurance Company Ltd.

ANIL KSHETARPAL, J. (ORAL)

In this case, the claim petition before the Motor Accident Claims Tribunal was filed by the widow and four children of Ram Naresh who died in an accident.

The finding of the Court on involvement of the offending vehicle as well as rash and negligent driving is not being questioned, therefore, the only issue which is required for determination is that what should be the appropriate amount of compensation.

Learned counsel for the appellants contended that the learned Motor Accident Claims Tribunal has erred in assessing the income of the deceased at ₹6000/- whereas he was drawing a salary of ₹9830/- per month. He further submitted that on account of loss of estate, funeral expenses and consortium, the amount granted by the learned Motor Accident Claims Tribunal is insufficient.

On the other hand, learned counsel for the Insurance Company stated that the Motor Accident Claims Tribunal has already awarded sufficient compensation.

On critical analysis of arguments of learned counsel for the parties, this Court is of the considered view that the compensation payable to the appellants is required to be increased/revised.

Keeping in view the aforesaid facts, the compensation payable is re-calculated as under:-

Heads	Compensation awarded by the Tribunal	Compensation awarded by the High Court
Income assessed	₹6000/-	₹9830/-
Annual Income Assessed		₹9830 x 12 = ₹1,17,960/-
(-) Income Tax	NIL	(-) ₹12,600/-
	₹6000/-	₹1,05,360/-
(+) future prospects	(+) ₹2000/-	₹31,608/-
	₹8000/-	₹1,36,968/-
(-) Deduction	(1/4 th) ₹2000/-	(1/4 th) ₹34,242/-
	₹6000/-	₹1,04,726/-
Multiplier (14)	₹6000/- x 12 x 14 = ₹10,08,000/-	₹1,04,726/- x 14 = ₹14,38,164/-
<u>Conventional Heads</u>		
Loss of Estate	₹2500/-	₹15,000/-
Funeral Expenses	₹2,000/-	₹15,000/-
Consortium	₹5000/-	₹40,000/-
Total Compensation	₹10,17,500/-	₹15,08,164/-
(-) Compensation already awarded by the Motor Accident Claims Tribunal		(-) ₹10,17,500/-
Enhanced Compensation = Compensation awarded by High Court (-) Compensation awarded by MACT	₹4,90,664/- { ₹15,08,164/- (-) ₹10,17,500/- }	

The enhanced compensation i.e. ₹4,90,664/- shall be payable alongwith interest at the rate of 6% p.a. from the date of claim petition till realization.

In view of the above, the present appeal is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

04.03.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No