

208-2

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

FAO No.9747 of 2014 (O&M)

Date of decision: March 25, 2021

Sandeep Kaur and others

.....Appellants

Versus

Gian Gir and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Dr. Sumati Jund, Advocate for the appellants.

None for respondents No.1 and 2.

Mr. Harsh Aggarwal, Advocate for respondent No.3/insurer.

MAHABIR SINGH SINDHU, J

CM-26924-CII-2014

Application for condonation of delay on 104 days in filing the appeal.

For the reasons stated in the application, the same is allowed.

Delay of 104 days in filing the appeal is, hereby, allowed.

FAO-9747-2014

Present appeal has been preferred under Section 173 of the Motor Vehicles Act, 1988 (for short the 'Act') against the impugned award dated 28.02.2014 passed by learned Motor Accident Claims Tribunal, Fast Track Court, Ropar (hereinafter referred to as 'the Tribunal') for enhancement of compensation.

At the outset, instead of pressing the appeal on merits, learned counsel for the appellants states that she would be satisfied in case the benefit in terms of judgment of Hon'ble Supreme Court in case of *National*

Insurance Company Limited Vs. Pranay Sethi and others 2017(6) S.C.C 680 is granted.

The above proposition is acceptable to the learned counsel representing the insurer.

In view of the agreed stand taken by both sides, this appeal is disposed off in terms of judgment of Hon'ble Supreme Court in case of **National Insurance Company Limited Vs. Pranay Sethi and others (supra)**.

As a result thereof, the compensation payable to the appellants is computed as under:-

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Income of the deceased	₹5000 per month
(ii)	40% of above (i) to be added as loss of future prospects (as age of the deceased was 30 years)	(₹5000+₹2000)= ₹7000 per month
(iii)	Deduction of 1/4 th towards personal expenses of the deceased (as there are 4 dependents)	(₹7000-₹1750)= ₹5250 per month
(iv)	Compensation after multiplier of 17 is applied	(₹5250X12X17)= ₹1071000/-
(v)	Loss of consortium	₹40000
(vi)	Loss of estate	₹15000
(vii)	Funeral expenses	₹15000
<i>Total</i>		₹11,41,000/-

The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹7,15,000/- to ₹11,41,000/- on account of death of Sukhjit Singh. Liability to pay the amount of compensation shall be as per the award. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants as follows:-

(i) Appellant-claimant No.1-widow : 40%

(ii) Appellants-claimants No.2 to 4 : 20% each

Respondent-insurance company will deposit the shares of appellants-claimants in their bank accounts or pay the same through demand drafts.

In case of demise of any of above appellants/claimants before his/her share of compensation is disbursed, the same shall be apportioned equally amongst other surviving claimants.

(MAHABIR SINGH SINDHU)
JUDGE

March 25, 2021
Sachin M.

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No