

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision:8.9.2022

FAO No. 2097 of 2015 (O&M)

Gurdeep Kaur and others

---Appellants

versus

Manoj Prashar and others

---Respondents

FAO No. 1827 of 2015 (O&M)

Reliance General Insurance Company Limited

---Appellant

versus

Gurdeep Kaur and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ashok Giri, Advocate
for the appellants-claimants

Mr. Subhash Goel, Advocate
for the Reliance General Insurance Company

Ms. Promila Nain, Advocate
for respondents No. 1 and 2 in FAO- 2097 of 2015
for respondent Nos. 4 and 5 in FAO- 1827 of 2015

JAGMOHAN BANSAL, J.

1. By this common order, two appeals bearing FAO Nos. 2097 of 2015 and 1827 of 2015 which are arising from same incident and award dated 14.11.2014 passed by Motor Accident Claims Tribunal, SAS Nagar Mohali (for short "Tribunal") whereby learned Tribunal has awarded a sum of Rs. 26,12,394/- alongwith interest @ 6% per annum, are hereby decided.

Claimants-appellants have filed appeal seeking enhancement of

compensation whereas Reliance General Insurance Company (for short “insurer”) has filed the appeal challenging the amount of compensation.

2. The brief facts emerging from instant appeals are that Nirmal Singh (deceased) who was 52 years old on 10.11.2012 was going towards Ludhiana on his motorcycle and met with an accident with the car bearing registration No. PB-10BU-0039. Nirmal Singh fell down on the road and due to multiple serious injuries, died on the spot. The dependents of the deceased filed claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short “1988 Act”) seeking compensation on account of death of Nirmal Singh. Learned Tribunal vide order dated 14.11.2014 has awarded a sum of Rs. 26,12,394/- alongwith interest @ 6% per annum as compensation.

3. Learned counsel for the insurer contended that son of the deceased has been granted job on compassionate ground thus, amount of compensation deserves to be re-determined. He further contended that learned Tribunal under different heads has granted compensation more than settled by Hon'ble the Supreme Court in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (6) SCC 121** and **National Insurance Company vs. Pranay Sethi and others 2017 (16) SCC 680**.

4. Per contra, learned counsel for claimants submitted that the claimant-son had resigned from his job offered by Punjab Government on compassionate ground. He further submitted that amount of compensation may be settled in terms of judgment passed by Hon'ble Supreme Court in **Smt. Sarla Verma's case (supra)** and **Pranay Sethi's case (supra)**.

5. I have perused the record of the case and heard arguments of both counsels.
6. I do not find force in the contention of learned counsel for the insurer that amount of salary to be received by claimant (Manpreet Singh) on account of job offered by State Government should be reduced from the amount of compensation. Claimant has tendered his resignation thus, claimant is not in job offered by Punjab Government on compassionate ground. On being confronted by this fact, learned counsel for the insurer expressed his inability to support his contention, thus, contention of insurer is repelled.
7. Both counsels are *ad idem* on the question of quantum of compensation and amount of compensation is re-determined as under:-

Under Head	Compensation awarded
Annual Salary of deceased	Rs. 2,94,948/-
Future prospects (15%)	Rs.44,242/-
Total	Rs. 3,39,190/-
Deduction for personal expenses (1/3 rd)	Rs. 1,13,063/-
Balance	Rs. 2,26,127/-
Multiplier of 11	Rs. 24,87,387/-
Loss of consortium (44000x3)	Rs. 1,32,000/-
Loss of estate	Rs. 16,500/-
Funeral expenses	Rs. 16,500/-
Total compensation	Rs. 26,52,387/-

8. The claimants as per above cited judgments of Hon'ble Supreme Court are entitled to interest @ 7.5% per annum instead of 6% per annum as awarded by learned Tribunal. Therefore, rate of interest is

increased from 6% to 7.5% per annum. It is made clear that amount already paid would be deducted from claim determined hereinabove.

The appellant-insurance company is directed to make payment within a period of eight weeks from today.

9. In view of the above, appeal filed by the claimants (FAO No. 2097 of 2015) is partly allowed and appeal filed by insurance company (FAO No. 1827 of 2015) is dismissed.

(JAGMOHAN BANSAL)
JUDGE

8.9.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No