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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-5935-2013

Date of Decision: 21.09.2022

SUMITRA DEVI & ANR

..... Appellants

Versus

SURENDER SINGH & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sandeep Kumar Yadav, Advocate
for the appellants.

None for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The appellants through instant appeal are seeking enhancement of compensation awarded vide award dated 05.04.2013 passed by learned Motor Accident Claims Tribunal (for short 'Tribunal'), Rewari, whereby learned Tribunal has awarded compensation of Rs.8,50,000/- alongwith interest @ 9% per annum on account of death of Dr. Rajesh Yadav.

2. The present appeal was listed before this Court on 15.09.2022 and Registry was directed to inform to counsel for the parties. Learned counsel for the appellants is present, however, inspite of notice through e-mail sent by Registry, counsel for the insurer is not present. The present appeal was filed in 2013 and accident in question

took place on 01.03.2010. In the interest of justice, I proceed to adjudicated the present appeal.

3. The facts emerging from record are that Dr. Rajesh Yadav on 01.03.2010 at 8.30 A.M while riding on motor cycle bearing registration No.HR-34B-0463 met with an accident with a jeep bearing registration No.DL8CA-7561. The appellants filed a petition under Section 166 of the Motor Vehicles Act, 1988 (for short the 'Act'), seeking compensation on account of death of Dr. Rajesh Yadav. Learned Tribunal adjudicated different issues and concluded that driver of the jeep was rash and negligence which caused accident resulting into death of Dr. Rajesh Yadav. Consequently, learned Tribunal awarded a sum of Rs.8,50,000/- alongwith interest @ 9% per annum as compensation on account of death of Dr. Rajesh Yadav.

4. Learned counsel for the appellants submitted that he does not dispute income assessed by learned Tribunal, however, he prays that amount of compensation may be redetermined in view of judgments of Hon'ble Supreme Court in **National Insurance Company vs. Pranay Sethi and others 2017 (16) SCC 680** and **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (6) SCC 121**.

5. I have perused the record and heard arguments of counsel for the appellants.

6. There is no dispute qua income which is Rs.1,20,000/- per annum and age (24 years) of the deceased, thus, the amount of compensation is redetermined in view of the afore-cited judgments. As per afore-cited judgments, deduction on account of personal expenses

should be 50%, future prospects 40% and multiplier 18. The appellants shall be entitled to compensation as redetermined below:-

Particulars	Amount of compensation
Annual income of the deceased	1,20,000/-
Future prospects	40.00%
Income after addition of future prospects	1,68,000/-
Deduction on account of personal expenses	50.00%
Assessed income	84,000/-
Multiplier (18)	15,12,000/-
Loss of estate	16500
Loss of consortium (44000x2)	88,000/-
Funeral expenses	16500/-
Total	16,33,000/-

7. The appellants instead of 9% are entitled to interest @ 7.5% from the date of filing of claim petition till the date of actual payment. It is made clear that amount already paid would be deducted from claim determined hereinabove.
8. The respondents are directed to make payment within a period of eight weeks from today.
9. The appeal is disposed off in the abovesaid terms.

(JAGMOHAN BANSAL)
JUDGE

21.09.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>