

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

FAO No. 52 of 2016 (O&M)

DATE OF DECISION :- December 20, 2022

National Insurance Company Ltd.

...Appellant

Versus

Smt. Ranjeet Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Rahul Pathania, Advocate for the appellant.

Mr. Ashish Singh, Advocate for

Mr. Ashwani Arora, Advocate for respondents No. 1 to 5.

Briefly stated the facts of the case are that on account of death of one Jaspal Singh, aged about 37 years, an Ex.-Army person thereafter working as a Security Guard, who had suffered injuries in a motor vehicular accident which took place on 7.8.2014 at about 9.50 P.M in the area of little short of Village Rampur Sainian on Barwala-Derabassi road statedly on account of rash and negligent driving of motorcycle bearing Registration No. PB-27-C-2704 by respondent No. 1 Sanjeev Nagi, legal representatives of deceased namely his widow Smt. Ranjeet Kaur, aged about 34 years, Ms. Mandeep Kaur, aged about 12 years, Master Ravinder Singh, aged about 11 years, Smt. Surinder Kaur, aged about 58 years and Sh. Karam Singh, aged about 63 years had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against Sh. Sanjeev Nagi, driver-cum-owner of motorcycle bearing Registration No. PB-27-C-2704 as well as its insurer National Insurance Company Limited, Mohali.

That claim petition after contest was disposed by Motor Accident Claims Tribunal, Mohali vide Award dated 25.8.2015 inasmuch as, it was allowed and total compensation of Rs.18,74,900/- was granted to the claimants payable by

all the three respondents jointly and severally with interest at the rate of 6% per annum from the date of filing of claim petition till actual realization. The details of compensation awarded were as under :-

Date of Accident	07/08/14	
Age of the deceased	37 years	
Claimants :	1.Ranjeet Kaur, widow 2.MandeepKaur, daughters 3.Ravinder Singh 4.Surinder Kaur, mother 5.Karam Singh, father	
	Heads of Claim	Tribunal
Sr. No.		Amount(Rs)
1	Income (annual)	95,100/-
2	Add 50% increase	47,500/-=1,42,650/-
3	Deduction 1/4	35662=1,06,988/-
4	Multiplicand (annualized)	37 years
5	Multiplier	15
6	Loss of dependence	16,04,820/-
7	Loss of consortium	1,00,000/-
8	Loss of care and guidance to minor children	1,00,000/-
9	Funeral expenses	25,000/-
10	Loss of estate	25,000/-
11	Pain and sufferings (hospitalization and multiple grievous injuries)	20,000/-
12	Total	18,74,820/-
13	Rounded off	18,74,900/-

The respondent No. 2 Insurance Company felt aggrieved by the Award and has preferred an appeal before this Court, notice of which was given to respondents claimants, who have put in appearance.

During the course of proceedings, the respondents-claimants through their counsel have filed an application that they may be granted compensation of Rs.17,27,780/- as per calculation below and that the appeal be disposed of accordingly :-

Deceased	Jaspal Singh
Age	37 years
Date of Accident	07.08,2014
Monthly Income	Rs.7925/-
Future increase @ 40% (NIC Vs. Praney Sethi, 2017 ACJ 2700 SC)	Rs.3170/-
Total Income	Rs.11095/-
Dependent	Widow, two children and aged parents
Deduction (1/4 th)	Rs.2774/-
Monthly dependency	Rs.8321/-
Annual dependency (8321x 12)	Rs.99852/-
Multiplier	15
Dependency	Rs.14,97,780/-
Loss of Consortium (for 5 claimants) (As per the New India Assurance Company Ltd. Vs. Somwati 2020 SCeJ 1617	Rs.2,00,000/-
Funeral Expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total Amount	Rs.17,27,780/-

Learned counsel appearing for the appellant Insurance Company is agreeable to such suggestion.

Accordingly, the appeal is disposed of, inasmuch as the impugned Award is modified and instead of compensation of Rs.18,74,900/- originally Awarded, the claimants are granted compensation of Rs.17,27,780/- with interest at the rate of 6% per annum from the date of filing of claim petition till actual realization. All other terms and conditions and directions given in the original Award shall remain as such. The parties are directed to bear their own costs.

All the pending civil miscellaneous applications shall also stand disposed of.

(H.S. MADAAN)
JUDGE

December 20, 2022
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No