

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

**FAO No. 6420 of 2017**  
**DATE OF DECISION :- November 23, 2022**

**Pinki Devi and others**

**...Appellants**

**Versus**

**Madhukar Maletha and another**

**...Respondents**

**FAO No. 7612 of 2017**

**Sona Devi**

**...Appellant**

**Versus**

**Madhukar Maletha and another**

**...Respondents**

**FAO No. 7642 of 2017**

**Nisha Devi**

**...Appellant**

**Versus**

**Madhukar Maletha and another**

**...Respondents**

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

**Present:-** Mr. Inderjeet Singh, Advocate for the appellant(s).

Mr. Amit Kundra, Advocate for respondent No. 2.

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My this order shall dispose of three appeals bearing FAO No.

6420 of 2017 filed by Pinki Devi and others, FAO No. 7612 of 2017 filed

by Sona Devi and others and FAO No. 7642 of 2017 filed by Nisha Devi and others.

Briefly stated the facts of the case are that on account of death of one Ram Rattan in a motor vehicular accident, which took place on 31.7.2016 at about 12.40 P.M in the area of Rani Pokhri Road, statedly on account of rash and negligent driving of Honda City Car bearing Registration No. UK-07BJ-6590 by respondent No. 1 Madhukar Maletha, legal representatives of such deceased had brought three separate claim petitions bearing MACP No. 374 of 2016 filed by Pinki Devi, widow, Tanish and Partik Chaudhary, minor sons, MACP No. 376 of 2016 filed by Nisha Devi, married sister and MACP No. 375 of 2016 filed by Sona Devi, aged about 52 years, mother of the deceased.

In all the three claim petitions they had impleaded Madhukar Maletha, driver cum owner of Honda City Car as well as National Insurance Company Limited, New Delhi, insurer of the said Car. All the three claim petitions were disposed of by Motor Accident Claims Tribunal, Ambala vide a single Award passed on 7.4.2017, inasmuch as compensation of Rs.18,88,000/- was awarded to all the claimants along with interest at the rate of 7.5% per annum payable by both the respondents jointly and severally. However, the claimants feeling dissatisfied with the amount of compensation awarded to them by the Tribunal have approached this Court by way of filing the separate appeals bearing FAO No. 6420 of 2017, FAO No. 7612 of 2017 and FAO No. 7642 of 2017.

Notices in these appeals were issued. Only respondent No. 2

Insurance Company has put in appearance through counsel.

I have heard learned counsel for the appellants and learned counsel for respondent No. 2-Insurance Company besides going through the record.

Learned counsel for the appellants has submitted that he is limiting his claim to grant of compensation towards future prospects and loss of Estate for which no compensation has been granted. Learned counsel for the Insurance Company in all fairness has stated that in terms of the settled legal position the appellants claimants are entitled to such compensation.

Accordingly, the all the three appeals are disposed of, in as much as on addition of 40% of monthly income of the deceased which has been taken to be Rs.11,500/- per month, is now taken as Rs.16,100/-(11500 + 4600). Considering the number of dependent family members to be five, deduction of 1/4<sup>th</sup> is to be made towards personal expenses. Doing that the dependency amount comes out to Rs.16100 - Rs.4025 =Rs.12,075/- per month. The annual dependency comes out to Rs.12,075/- x 12 = Rs.1,44,900/-. The tribunal has rightly used multiplier of 18 keeping in view the age of the deceased to be 24 years at the time of accident. Doing that the compensation comes out to Rs.1,44,900 x 18 = Rs.26,08,200/-. The compensation under the Head loss of consortium, funeral expenses and loss of estate are to be increased by 20% (since more than six years have elapsed from the date of filing of the appeal), which come out to Rs.2,40,000/-, Rs.18,000/-, and 18,000/-. Doing that the compensation comes out to Rs.2,76,000/-. The total compensation is thus worked out to Rs.28,84,200/-.

The compensation awarded by the Tribunal is Rs.18,88,000/-. In that way the same is enhanced by Rs.9,96,200/- (28,84,200 -18,88,000). The additional compensation of Rs.Rs.9,96,200/- is granted to the claimants payable by all the respondents jointly and severally with interest at the rate of 7.5% per annum from the date of filing of claim petition till actual realization besides costs of the appeal. The additional amount would be distributed amongst the claimants in the same ratio in which the compensation originally awarded was directed to be apportioned by the Motor Accident Claims Tribunal.

With such observations, the appeals are allowed partly.

**(H.S. MADAAN)**  
**JUDGE**

**November 23, 2022**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No