IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.226 FAO-312-1992 (O&M)
Date of decision : 23.11.2023

Urmila Devi Narula and others .....Claimant-Appellants

Versus

Balwant Singh and others ..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the appellants.

Mr.Neeraj Khanna, Advocate for
Mr.Ravinder Arora, Advocate for the Insurance Company.

AMAN CHAUDHARY, J.

1. The present appeal has been filed by the claimant-appellants for enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Sonepat (for short 'the Tribunal') vide award dated 07.10.1991, on account of death of Darshan Lal Narula in a motor vehicular accident.

2. This is a reconstructed case, as the original file was burnt in the fire that broke out in the concerned branch in the year 2011. Since the case is pending for the last more than 31 years, the counsel for the parties are not appearing, the Court has no option but to decide the case on basis of the available record.

3. Mr. Deepak Suri, Advocate submits that he be allowed to withdraw his power of attorney on account of the fact that now he is on the panel of New India Assurance Company. Ordered accordingly.

4. It has been stated in the grounds of appeal that the deceased, 48 years old at the relevant time, was working as Lecturer in Arya Bhat Polytechnic, Delhi Administration, Delhi and earning Rs.4,000/- per month.

Ankur Goyal
2023.11.24 19:12
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He left behind a wife, two minor sons and mother. The compensation awarded is on the lower side and also nothing has been awarded by the Tribunal towards loss of consortium, loss of estate, loss of love and affection, loss of funeral expenses etc.

5. Learned counsel appearing on behalf of the Insurance Company opposes and submits that just and appropriate compensation has been awarded by the Tribunal. Thus, he prays for the dismissal of the appeal.

6. Perused the record.

7. There is no dispute with regard to the death of the deceased-Darshan Lal Narula, which occurred in a motor vehicular accident. So far as the fact of the accident, the manner of its taking place, as well as liability fastened upon the insurer of the offending vehicle is concerned, it is pertinent to notice that no challenge to the Award has been made and thus, this issue does not warrant any further scrutiny.

8. A perusal of the award reveals that the Tribunal has rightly assessed the dependency to the tune of Rs.1600/- per month, there being no evidence of his monthly income being Rs.4000/-. However, with regard to the enhancement of the compensation, this Court can rightly fall back on the law laid down in **Sarla Verma and others vs. Delhi Transport Corporation and another,** 2009(3) RCR (Civil) 77, **National Insurance Company Limited vs. Pranay Sethi and others** 2017(4) RCR (Civil) 1009, and **Janabai vs. ICICI Lambord Insurance Co. Ltd.,** (2022) 10 SCC 512 and accordingly holds the appellants entitled to grant of future prospects to the extent of 25%, the deceased being on a fixed salary and also for the compensation under the conventional heads i.e. Rs.15,000/- for funeral expenses; Rs.1,20,000/- (40,000 x3) for loss of love and affection to

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2023.11.24 19:12
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both sons and mother and Rs.40,000/- loss of consortium to wife. The deceased being 48 years, the multiplier of 13 should be applied. Further, there were four dependents at that time, the deduction of 1/4th ought to be made.

9. Resultantly, the total compensation comes to Rs.4,09,000/- (1600 + 25% (towards future prospectus) - 1/4th (deduction towards personal expenses) x 12 x 13 (multiplier) +Rs.1,75,000/- (conventional head). Thus, the enhanced compensation of Rs.1,40,200/-, over and above the amount of Rs.2,68,800/- already awarded by the Tribunal, alongwith interest at the rate of 7.5% per annum from the date of filing of the present appeal, till its realization, shall be paid to the claimant-appellants as ordered by the Tribunal, within a period of 2 months from the date of receipt of a certified copy of this judgment, failing which, the amount shall accrue an interest as awarded by the Tribunal.

10. Modifying the award to the aforesaid extent, the present appeal is disposed of.

11. Registry is directed to send a copy of the order to the concerned Tribunal for execution of the same. After the needful is done, a compliance report be submitted.

23.11.2023 **(AMAN CHAUDHARY)**
gsv/ankur **JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

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