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

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FAO-3850-2023 (O&M)
Decided on : 25.07.2023

United India Insurance Company Ltd.

. . . Appellant(s)

Versus

Rakesh Devi and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vinod Chaudhri, Advocate
for the appellant(s) – Insurance Co.

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SANJAY VASHISTH, J. (Oral)

CM-12723-CII-2023

Prayer in this civil miscellaneous application is for condoning the delay of 33 days in filing the present appeal.

After hearing learned counsel for the applicant-appellant/Insurance Company and in view of the grounds mentioned in the application, the delay of 33 days in filing the appeal is hereby condoned.

CM stands disposed of.

FAO-3850-2023 (O&M)

1. Present appeal has been filed by the appellant – United India Insurance Co. Ltd. against the award dated 08.02.2023, passed by the Ld. Motor Accidents Claims Tribunal, Chandigarh (in short ‘Ld. Tribunal’) in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for brevity, ‘the Act’), by the respondents (claimants) for seeking compensation on account of death of Narinder Kumar @ Bablu s/o Amar Singh @ Amar Chand.

2. Ld. Tribunal has awarded compensation of Rs.13,90,252.50/-, payable on account of dependency. The details which are explained in the form of table in para No.28 of the impugned award, are reproduced as under:-

Annual gross income Rs. 8827 x 12	Rs. 1,05,924/-
Addition of 25% on account of future prospects in view of age of deceased	Rs.1,05,294/= + Rs.26,481/- = Rs.1,32,405/-
Deduction of 1/4th on account of personal expenditure	Rs.1,32,405/- minus Rs.33,101.25 = Rs.99,303.75
Multiplier of 14 to be applied in view of his age at the time of death	Rs.99,303.75 x 14 = Rs.13,90,252.50
Compensation payable on account of dependency	Rs.13,90,252.50

3. In addition to the said award, a sum of Rs.16,500/- towards loss of estate, and another sum of Rs.16,500/- has been awarded to the claimants on account funeral expenses. Besides this, a sum of Rs.44,000/- has been awarded to respondent/claimant No.1 for spousal consortium, a sum of RS.44,000/- each awarded to respondents/claimants No.2 to 4 for loss of parental consortium, and a sum of Rs.44,000/- has been awarded to L.Rs. of respondent/claimant No.5 for loss of filial consortium. Thus, total amount of compensation awarded by Ld. Tribunal comes to Rs. 16,81,453/-.

4. Mr. Vinod Chaudhri, learned counsel for the appellant – Insurance Co. argues that Ld. Tribunal has erred in noticing the fact that the vehicle in question i.e. Tractor No. HR68-B-8407 was being driven in complete violation of the terms & conditions of the insurance policy. Driver of the said vehicle was not holding any valid driving licence at the time of accident. In this regard, this Court has noticed the observation given by the Ld. Tribunal under Issue No.3, and a perusal of discussion in this regard made in paragraphs No.31, 33 & 35, is enough to hold that there is no irregularity or illegality in findings given by the Ld. Tribunal, because same

is based upon the record of renewal of licence of the Office of the Secretary, Regional Transport Authority, Sangrur, where, particulars of the driver are mentioned as 'Dilbag Singh s/o Prem Singh'. Thus, in the verification report (Ex.R15), mentioning of Prem Singh s/o Dilbag Singh, has been considered as typographical mistake in the column of name of son and father. Thus, reasoning recorded by Ld. Tribunal seems to be more probable and believable.

5. Another issue argued by Mr. Vinod Chaudhri, learned counsel for the appellant – Insurance Co. is that under the conventional heads, amount of consortium has been awarded as Rs.44,000/- to each of the respondents/claimants, whereas, it should be only Rs.44,000/- to all the respondents/claimants.

6. This Court, in a case titled as, ***"Sangtari Muleem and others Vs. Karnail Singh and others" (FAO-2538-2006)***, decided on ***07.07.2023)***, while considering this issue, relying upon the judgments of the Hon'ble Apex Court, has already held that each of the claimants, who are entitled for compensation would be covered under the head of 'consortium'. Therefore, relying upon judgment passed by this Court in **Sangtari Muleem's case** (supra), this Court deems it fit to maintain the findings recorded by the Ld. Tribunal in the present case as well.

No other substantial submission is addressed by learned counsel for the appellant – Insurance Co.. Thus, present appeal stands **dismissed**.

7. At this stage, Mr. Vinod Chaudhri, learned counsel for the appellant – Insurance Co. points out that according to the appellant – Insurance Co., the amount of compensation should have been Rs.16,43,252/-, whereas, inadvertently, it has been mentioned as

Rs.16,81,453/- in para Nos. 20 and 37 of the award passed by Ld. Tribunal. Thus, there appears to be a typographical mistake in calculation.

Be that as it may, it would be open for the appellant – Insurance Co. to bring this fact to the notice of Ld. Tribunal by way of filing an appropriate application at appropriate stage. Same would be considered and decided by the Ld. Tribunal in accordance with law, after affording reasonable opportunity of hearing to all the concerned parties.

Appeal stands disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

July 25, 2023
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No