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

**-.-**

**FAO-684-2007(O&M)**
**Date of Decision :05.09.2024**

Mrs. Jasbir Kaur and others ....Appellants

Versus

Dinesh Kumar and others ....Respondents

**CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr.Ashwani Arora, Advocate
for the appellants.

Mr. Pardeep Goyal, Advocate with
Ms. Simran, Advocate and
Mr. Harpreet Singh, Advocate
for respondent No.2 – Insurance Co.

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**<u>SUDEEPTI SHARMA, J.</u> (Oral)**

1. The appellants in the present appeal have challenged the award dated 3.05.2006, whereby, the claim petition filed by the appellants under Section 166 of the Motor Vehicles Act was dismissed by the learned Motor Accident Claims Tribunal, Moga.

**<u>FACTS NOT IN DISPUTE</u>**

2. Brief facts of the case are that on 17.8.2004, Mainderpal Singh was coming on the road while on jeep No.PB-29-E-0711 which was driven by Kuldeep Kumar in a fast and negligent manner on the road leading from bus stand Moga. Resham Singh and Harpreet Singh were also sitting in the said Jeep. When said jeep reached near church, Moga, a truck came from the opposite side i.e. from

Joginder Singh Chowk and struck in the jeep. Resultantly, Maninderpal Singh and Kuldeep Kumar received injuries and died on the spot. Maninderpal Singh son of Manohar Singh aged about 39½ years resident of house No. 412, street No.7, Krishana Nagar, Ramganj Road, Moga, was commission agent and self-employed. His monthly income was Rs. 10,000/- PM. He was paying income tax. Accident took place due to composite negligence on the part of driver of jeep and driver of truck. Maninderpal Singh was occupant of jeep and he was not at fault at all.

3. Upon notice of the claim petition, respondents appeared and denied the factum of accident.

4. From the pleading of the parties, the Tribunal framed the following issues:-

> *"1. Whether Maninderpal Singh died in a motor vehicular accident caused by composite negligence of Kuldeep Kumar, driver of jeep No.PB-29-E-0711 and driver of offending truck? If so, to what effect? OPA.*
>
> *2. Whether the claimants are legal heirs and dependents on deceased? If so, to what effect? OPA*
>
> *3. Whether the claimants are entitled to compensation? If so to what tune? OPA*
>
> *4. Whether the respondents are liable to pay compensation to claimants? If so to what tune and what would be the liability of the respondents? OP Parties.*
>
> *5. Whether there was any breach of terms of insurance policy? If so what effect? OPR-2*
>
> *6. Relief."*

5. After hearing learned counsel for the parties and perusing the whole record, the learned Tribunal dismissed the claim petition. Hence, the claimants-appellants filed the present appeal for grant of compensation.

**SUBMISSIONS OF THE COUNSELS FOR THE PARTIES**

6. The learned counsel for the claimants-appellants contends that the learned Tribunal made a gross error while deciding issue No.1 and misread the evidence led by the claimants on record. He further contends that the driver of the offending vehicle never stepped into the witness box to prove his case.

7. Per contra, learned counsel for the respondent-Insurance Company contends that the award has rightly been passed and the claim petition filed by the appellants-claimants has rightly been dismissed.

8. I have heard learned counsel for the parties and perused the whole record of this case. Relevant portion of the judgment is reproduced hereunder:-

> *"**Issue No.1***
>
> *8. Onus to prove this crucial issue is on claimants.*
>
> *9. Averments of claim petition are that Maninderpal Singh died in motor vehicular accident in which jeep no. PB-29E-0711 was involved. PW2 Subegh Singh who was author of FIR also deposed involvement of such jeep in the happening of such accident. In evidence of claimants Ex.P4 copy of FIR no.165 dated 17.8.2004, police station, city Moga has been led. In such evidence it is proved that jeep no. PB-29-E-0711 was involved in accident.*
>
> *10.The most crucial point for just decision of this claim petition is as to whether there was composite negligence on the part of driver of offending truck and Kuldeep Kumar driver of said jeep and so to what*

*effect. It will not be out of place tomentioned here that in the prompt version got recorded in statement of Subegh Singh which became basis of FIR No.165 entire negligence was attributed to the driver of the offending truck in happening of accident. It appears that such truck could not be located. Therefore, claimants and Subegh Singh remained ignorant about the particulars of the offending truck and persons connected with such truck. On concurrent perusal of pleadings of parties and evidence available on record it appears that present claim petition has been filed by astuting the facts which were once stated in FIR no.165 with overwhelming intentions to make the accident as a result of composite negligence on the part of driver of offending truck and driver of said jeep in connivance with respondent no.1 so that compensation could be obtained for claimants when it is apparently so, and claimants in connivance with respondent no.1 are trying to hoodwink respondent no.2 by abusing the process of court, claimants cannot be said came to court with bonafide intentions. When claim petition abuse of law would not be allowed to prevail to hoodwink the law and respondent no.2.*

*11. I have been taken through the evidence brought on record. PWI Jasbir Kaur widow of Maninder Pal Singh remained silent as to how accident took place obviously, due to the reasons that she was not eye witness of accident. PW2 Subegh Singh who was author of FIR as on basis of his statement FIR was lodged, deposed in his examination-in-chief that Kuldeep Kumar, Maninder Pal Singh and 2/3 more employees were going on jeep no.PB-29-E-0711. He further deposed* *that when they reached in front of church gate, a bus was coming from the side of Joginder Singh Chowk which dashed into jeep going ahead of them. He further deposed that due to such accident Maninderpal Singh and Kuldeep Kumar died on the spot and other persons on that jeep sustained injuries. He further deposed that Kuldeep Kumar was driving jeep at high speed and negligently and accident took place due to negligence on the part of Kuldeep Kumar. But perusal of Ex.P4 shows that in statement made before police same Subegh Singh got recorded that truck came at high speed which was being driven negligently and it struck into jeep no. PB-29-E-0711 and resultantly accident was caused. He had specifically got recorded in his prompt statement on basis of which FIR was lodged that accident took place due to rash and negligent driving of truck. Now Subegh Singh in connivance with claimants party in his statement stated that it was negligence of Kuldeep Kumar which caused the accident to facilitate the claimants to get compensation in connection with death of Maninderpal Singh by hoodwinking respondent no.2 and law as well.*

*12. When PW2 Subegh Singh was cross-examined about his changed version, deposed in his cross-examination on behalf of respondent no.1 that their jeep was driven at same speed at which Kuldeep Kumar was driving his jeep. He did not depose anything attributing negligence to the driver of jeep on which he was traveling. Silence of PW2 in this regard can be construed that driver of jeep on which he was riding was not negligent in driving the same. Therefore,* *driving of jeep ahead of their jeep by Kuldeep Kumar cannot be said negligence. It will not be out of place to mention here that jeep on which deceased was traveling was driven by Kuldeep Kumar and jeep behind such jeep was driven by PW2 Subegh Singh himself. When he himself was driving his jeep bearing no. PB-29-E-0298 apparently it cannot be said that Kuldeep Kumar was driving his jeep negligently which was at same speed. He did not deposed that Kuldeep Kumar was driving the jeep in zig zag manner and on wrong side of the road. Kuldeep Kumar is also no more alive. He actually deposed so in connivance with claimants is facilitate them to get compensation. But such hoodwinking approach and connivance cannot be allowed to prevail.*

*13. PW-2 got recorded in his cross-examination that he had got recorded before police that accident was caused due to negligence on the part of Kuldeep Kumar. He further deposed in his cross-examination that he did not get recorded that the accident was caused due to negligence on the part of Kuldeep Kumar. He further deposed in his crass-examination that he did not get recorded that the accident was caused due to negligent on the part of truck driver. Then he deposed further changing version that accident took place due to negligence on the part of both i.e. driver of truck and driver of said jeep. Perhaps he deposed so because he was so tutored to make such statement to facilitate the claimants to get compensation. He further deposed that he had correctly answered the questions put to him by the police. He deposed so in connivance with claimants. No motive* *has been assigned to any police official for distorting his statement. No police officer can be supposed to make alternations in the statement of PW 2 Subegh Singh. Actually PW 2 is now telling lie to take distance from his statement made before the police which formed basis of FIR copy of which is Ex.P4, in connivance with claimants. When a witness is intentionally telling a lie statement of such a witness cannot be made basis to blame a police officer without any rhyme and reason and statement of such a witness traveling beyond the version of FIR which was obviously prompt version about the accident, cannot be believed.*

*14. In cross-examination of PW2 on behalf of respondent no.2 he deposed that it was head-on-collusion. PW2 is educated up to Matric. Thus there was no reason for him to sign on statement simply on the asking of police people without reading the same. It has come in his cross-examination that Maninderpal Singh and he were having mobiles. Therefore, he could have asked Maninderpal Singh to slow down their jeep if it was driven negligently.*

*15. In view of discussion mentioned hereinbefore I am unable to make up mind that it was case of composite negligence on the part of driver of jeep no.PB-29-E-0711 and driver of truck. Actually distortion was given to version stated in FIR for the facility claimants to get compensation in Connivance with PW2 Subegh Singh and respondent no.1 Dinesh Kumar, A presumption can also be raised about such connivance against respondent no.1 that he himself did not step into witness box and no evidence has been led on his behalf to* *rebut the evidence of claimants. Actually it is case of negligence on the part of offending truck in its driving by its driver due to which accident was caused and from the entire evidence led on no negligence in happening of accident could be attributed to Kuldeep Kumar driver of jeep no. PB-29E-0711. Accordingly I am unable to agree with contentions of claimants and arguments of learned counsel for claimants to hold that it is case of composite negligence on the part of driver of said jeep and driver of said truck. Some rulings have been cited by learned counsel for claimants as <u>Smt. Om Wati Vs. Mohd. Din 2002(1) RCR (Civil) 515, J.S. Kampani Vs. Tarsem Singh and other 1984 A.C.J. 726, Oriental Insurance Company Limited Vs. Smt. Parveen Jureja and others 2002(2) PLR 644, Virat Sama Vs. Mohan Lal and others 1994 A.C.J. 432</u>, with due regard too the law laid down in all these rulings. They are not helpful to the contention of claimants and are not applicable to the facts and circumstances of this case.*

*16. In Jasbir Kaur and others Vs. Urjit Singh & others 1992(2) S.L.J. 2213 details about accident was not given in the FIR. Improvements were not believed and it was observed that negligence in driving of truck was not established. In <u>Ram Karan son of Shri Nand Lal & others Vs. Zile Singh son of Sh. Partap Singh and others 2001 (3) PLR 125</u> it was case of silence of FIR about several facts relating to offending vehicle. Later on number mentioned in the statement of witness was observed improvement and dismissal of claim petition was upheld. With the help of law laid down in these* *rulings improvements made by PW 2 Subegh Singh over version stated in FIR and also distortion made in version stated in FIR are unabled to be believed. For grant of compensation in a petition under section 166 proof of negligence in a since-qua-non. In this regard I rely upon <u>Minu B.Mehta and anothers Vs. Balkrishana Ramchandra Nayan and another 1977 A.C.J. 118 (SC)</u>*

*17. In view of my above discussion. I am of the considered view that it was only negligence on the part of driver of offending truck due to with accident was caused and there was no negligence at all on the part of Kuldeep Kumar driver of jeep no. PB-29-E-0711 in driving said jeep. Therefore, it was not a case of composite negligence on the part of Kuldeep Kumar driver of said jeep and driver of offending truck. However, from entire evidence it is proved that Maninderpal Singh was traveling in said jeep and he died in resultant accident. Therefore accordingly claimants failed to prove this issue. Therefore, this issue is decided against claimants accordingly."*

9. A perusal of the record shows that PW-2 Subegh Singh, who was the author of the FIR deposed in his examination-in-chief that Kuldeep Kumar, Maninderpal Singh and 2-3 more employees were going on Jeep No.PB-29E-0711. He further deposed that when they reached in front of church gate, a bus coming from the side of Joginder Singh Chowk dashed into the jeep going ahead of them. He further deposed that due to such accident, Maninderpal Singh and Kuldeep Kumar died on the spot and other persons on that jeep also sustained injuries. Further in his statement Ex.P-4 before the police, he stated that the truck came at a high speed which was being driven negligently and it struck into jeep No.PB-29E-

0711 and resultantly caused accident. He is also the author of FIR wherein he stated that accident took place due to rash and negligent driving of truck by its driver.

10. On the one hand, the Tribunal itself observed that PW-2 Subegh Singh was cross-examined about his changed version when he deposed that Kuldeep Kumar was driving the jeep at a high speed and accident took place due to his negligence and in his cross-examination, he deposed that their jeep was driven at same speed at which Kuldeep Kumar was driving that jeep. He did not depose anything attributed to contributory negligence on the part of the driver of the jeep on which he was travelling. Therefore, it was concluded that the driver of the jeep on which he was travelling was not negligent in driving the same. Further driving of jeep ahead of their jeep by Kuldeep Kumar cannot be said to be negligent. The Tribunal further observed that it will not be out of place to mention that jeep on which deceased was travelling was driven by Kuldeep Kumar and jeep behind it was driven by PW-2 Subegh Singh himself. And when, he himself was driving his jeep bearing PB-29E-0298, apparently it cannot be said that Kuldeep Kumar was driving his jeep negligently which was at the same speed. The Tribunal further observed that PW-2 Subegh Singh did not depose that Kuleep Kumar was driving the jeep in a zig zag manner and on wrong side of the road. However, on the other hand, the Tribunal has dismissed the claim petition. Further it has been observed by the Tribunal that it was not a case of composite negligence on the part of the driver of jeep No.PB-29E-0711 and driver of the truck. It has further been observed that it is a case of negligence on the part of the offending truck in its driving by its driver, due to which accident was caused. From the entire evidence

led on record, no negligence in happening of accident could be attributed to Kuldeep Kumar driver of Jeep No.PB-29E-0711.

11. Though the factum of accident is proved and is not denied by the Tribunal but still issue No.1 as to whether Maninderpal Singh died in a motor vehicular accident caused by composite negligence of Kuldeep Kumar, driver of jeep No.PB-29-E-0711 and driver of offending truck, is decided against the appellants-claimants.

As discussed above, by holding the driver of the offending truck as responsible for the cause of accident due to rash and negligent driving, and no negligence on the part of Kuldeep Kumar, driver of the jeep No.PB-29E-0711 in driving the said jeep and by holding that it is not a case of composite negligence, still the claim petition of the appellants-claimants was dismissed by the Tribunal.

12. Further the statement of PW-2 shows that Kuldeep Kumar and Maninderpal Singh were going in a Jeep No.PB-29E-0711 and both died on the spot due to the accident with the offending truck but still the Tribunal dismissed the claim petition filed by the claimants-appellants.

The decision on all the issues is without application of judicial mind.

Inspite of discussing the evidence on record, the learned Tribunal did not consider the same in correct perspective by applying its judicial mind.

**CONCLUSION**

13. On the touchstone of hereinabove discussed findings and judicial precedent, the award dated 03.05.2006 passed by learned Tribunal, Moga stands vitiated by a complete absence of judicial application of mind.

14. Since issue No.3 i.e. *Whether the claimants are entitled to compensation? If so to what tune?* was not decided by the learned Tribunal, therefore, this Court decides as follows:-

(i) The appellants are entitled to compensation. A perusal of the record reveals that as per income tax return (Ex.P-3) the annual income of the deceased was stated to be Rs.1,01,560/- after deducting the tax. Therefore, under the prevailing facts of the present case, his income is assessed as Rs.8463/- per month.

**SETTLED LAW ON COMPENSATION**

15. Hon'ble Supreme Court in the case of ***Sarla Verma Vs. Delhi Transport Corporation and Another*** **[(2009) 6 Supreme Court Cases 121]**, laid down the law on assessment of compensation and the relevant paras of the same are asunder:-

> "***30***. *Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra, the general practice is to apply standardised deductions. Having a considered several subsequent decisions of this Court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.*
>
> ***31***. *Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to*

*bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father.*

***32**. Thus even if the deceased is survived by parents and siblings, only d the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.*

* * * * * *

***42.** We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the table above (prepared by applying Susamma Thomas[3], Trilok Chandra and Charlie), which starts with* *an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.*

16. Hon'ble Supreme Court in the case of ***National Insurance Company Ltd. Vs. Pranay Sethi &Ors.*** **[(2017) 16 SCC 680]** has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

(A) Deduction of personal and living expenses to determine multiplicand;

(B) Selection of multiplier depending on age of deceased;

(C) Age of deceased on basis for applying multiplier;

(D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;

(E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.

The relevant portion of the judgment is reproduced as under:-

"***52.*** *As far as the **conventional heads** are concerned, we find it difficult to agree with the view expressed in Rajesh[2]. It has granted Rs.25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers* *to Santosh Devi, it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.*

* * * * *

***59.3***. *While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.*

***59.4***. *In case the deceased was self-employed (or) on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.*

***59.5***. *For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paras 30 to 32 of Sarla Verma*[4] *which we have reproduced hereinbefore.*

***59.6.*** *The selection of multiplier shall be as indicated in the Table in Sarla Verma*[1] *read with para 42 of that judgment.*

***59.7***. *The age of the deceased should be the basis for applying the multiplier.*

*__59.8__. Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years."*

17. Hon'ble Supreme Court in the case of **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram & Others [2018(18) SCC 130]** after considering **Sarla Verma(supra)** and **Pranay Sethi (Supra)**has settled the law regarding consortium. Relevant paras of the same are reproduced as under:-

*"__21__. A Constitution Bench of this Court in Pranay Sethi[2] dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, "consortium" is a compendious term which encompasses "spousal consortium", "parental consortium", and "filial consortium". The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse.*

*21.1. __Spousal consortium__ is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of "company, society, cooperation, affection, and aid of the other in every conjugal relation".*

*21.2. **Parental consortium** is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training".*

*21.3. **Filial consortium** is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.*

***22**. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognised that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.*

***23**. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to* *be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of filial consortium.*

***24**. The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under "loss of consortium" as laid down in Pranay Sethi[2]. In the present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs 40,000 each for loss of filial consortium.*

**<u>CONCLUSION</u>**

18. In view of the law laid down by the Hon'ble Supreme Court in the above referred to judgments, the present appeal is allowed. The appellants-claimants are entitled to compensation as per the calculations made here-under:-

| Sr. No. | Heads | Compensation Awarded |
|---|---|---|
| 1 | Monthly Income | Rs.8463/- |
| 2 | Future prospects @ 40% | Rs.3385/- (40% of 8463) |
| 3 | Deduction towards personal expenditure | Rs.2962/- [1/4 of (8463+3385)] |
| 4. | Total Income | Rs.8886/- (11848-2962) |
| 5 | Multiplier | 15 |
| 6 | Annual Dependency | Rs.15,99,480/- |

| | | |
|---|---|---|
| | | (Rs.8886/- x 12 x 15) |
| 7 | Loss of Estate | Rs.18,000/- |
| 8 | Funeral Expenses | Rs.18,000/- |
| 9 | Loss of Consortium<br>Parental : Rs.48,000/- x 3<br>Spousal : Rs.48,000/-x1<br>Filal: Rs.48000/-x1 | Rs.2,40,000/- |
| | **Total Compensation** | **Rs.18,75,480/-** |

19. So far as the interest part is concerned, as held by Hon'ble Supreme Court in ***Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma*** **2019 ACJ 3176** and ***R.Valli and Others VS. Tamil Nandu State Transport Corporation*** **(2022) 5 Supreme Court Cases 107,** the appellants-claimants are granted the interest @ 9% per annum on the amount from the date of filing of claim petition till the date of its realization.

20. The Insurance Company is directed to deposit the amount of compensation along with interest with the Tribunal within a period of two months from today. The Tribunal is further directed to disburse the amount of compensation along with interest in the accounts of all the claimants/appellants as per ratio settled in the award dated 03.05.2006. The claimants/appellants are directed to furnish the bank account details to the Tribunal.

21. Disposed of accordingly.

22. Pending applications, if any, also stand disposed of.

05.09.2024 **(SUDEEPTI SHARMA)**
A.Kaundal **JUDGE**

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No