

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

1. FAO-263-2017 (O&M)
Date of decision: 10.01.2025

RELIANCE GENERAL INSURANCE CO. LTD ..Appellant

Versus

SAROJ BALA AND OTHERS ..Respondents

2. FAO-2490-2017 (O&M)

SAROJ BALA AND OTHERS ..Appellants

Versus

VIKRAM SINGH AND ANOTHER ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

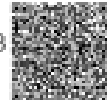
Present: Mr. Sanjeev Kodan, Advocate
for the appellants (in FAO-263-2017)
for respondent No.3 (in FAO-2490-2017).

Mr. Rajiv Kumar Saini, Advocate
for respondent No.1 to 4 (in FAO-263-2017)
for the appellant(s) (in FAO-2490-2017).

ANIL KSHETARPAL, J(Oral)

1. With the consent of learned counsel for the parties, two connected appeals filed by the claimants seeking modification of the award passed by the Motor Accident Claims Tribunal (in short 'Tribunal') shall stand disposed of by common order.

2. The insurance company assails the correctness of Motor Accident Claims Tribunal's award of Rs.14,41,852/- on account of death of late Sh. Lakhmi Chand, aged about 48 years. He left behind a widow and three children. The accident took place on 26.06.2014 when Sh. Lakhmi Chand was going on a motorcycle, whereas, his son Sonu Kumar was



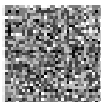
following his father on another motorcycle. The accident took place at 11:15 a.m. when a car, which was driven by respondent No.1 Sh. Vikram Singh (respondent No.5 in the present appeal) collided with Sh. Lakhmi Chand and he succumbed to his injuries.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. Learned counsel for the appellant submits that involvement of the car (insured vehicle) is not proved because the FIR was registered against unknown vehicle and for the first time on 23.07.2014, car bearing registration plate No.HR-60B-0768 was involved. He submits that no evidence has been led to prove that the insured car was involved in the accident. He further submits that the future prospects that must be awarded shall be 25% and not 30%. Similarly, under conventional heads namely loss of consortium, loss of estate and funeral expenses, the Court has erred in awarding Rs.2,25,000/-. He further submits that income of the deceased has been assessed at Rs.10,000/- per month, which is more than the minimum wages.

5. Per contra, learned counsel for respondents submits that Sonu, the eye-witness has proved that the accident took place with HR-60B-0768. He further submits that the Tribunal has erred in deducting 10% towards income tax, which was not deductible because the deceased was an agriculturist.

6. This Court has considered the submissions of learned counsel for the parties and carefully read the statement of Sonu, which has been produced by the counsel for insurance company.



7. Apart from the aforesaid deposition, mechanical examination of the insured car was conducted by the police and it was found that the front bumper of the car has suffered damage, hence, there is no substance in the submission of appellant’s counsel that there was false involvement of the insured vehicle.

8. With regard to escalation on account of future prospects and compensation under conventional heads, there is no dispute. Similarly, the deceased was an agriculturist as he was owner of 7 and ½ (half) acres of land, hence, no deduction could be made on account of income tax. The deceased left behind four dependants including widow and three children.

9. Hence, for loss of consortium, each claimant shall be entitled to Rs.40,000/-. Apart from that, the claimants shall be entitled to funeral expenses of Rs.15,000/-, loss of estate Rs.15,000/-.

10. Accordingly, the compensation is revised as under:-

Heads	Amount awarded by the Motor Accidents Claims Tribunal (MACT).	Amount awarded by the High Court
Monthly Income	Rs.10,000/- p.m.	Rs.10,000/- p.m.
Future Prospects	30%	25%
Dependancy	1/3 (Rs.1,04,004/-)	1/3 (Rs.99,996/-)
Deduction of 10% income tax	10%	-
Multiplier	13	13
Compensation after multiplier	Rs.12,16,852/-	Rs.12,99,948/-
Funeral expenses and transportation	Rs.25,000/-	Rs.15,000/-
Loss of Estate	-	Rs.15,000/-



Filial consortium	Rs.1,00,000/-	Rs.1,60,000/- (Rs.40,000 X 4)
Loss of love and affection	Rs.1,00,000/-	-
Total amount awarded (Award)	Rs.14,41,852/-	Rs.14,89,948/-
Enhanced Compensation	Rs.14,89,948/- – Rs.14,41,852/- = Rs.48,096/-	

11. The enhanced compensation of Rs.48,096/- (Rs.14,89,948/- – Rs.14,41,852/-) shall be payable along with the interest at the rate of 7.5% from the date of filing of the claim petition till its realization.

12. Disposed of accordingly.

13. All the pending miscellaneous applications, if any, are also disposed of.

January 10th, 2025

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No