

(2018) 01 P&H CK 0137
In the Punjab And Haryana At Chandigarh
Case No : 3672 of 2016

Asubi and others

APPELLANT

Vs

Azad @ Mohd. Azad and others

RESPONDENT

Date of Decision : 30-01-2018

Acts Referred:

Citation : (2018) 01 P&H CK 0137

Hon'ble Judges : Surinder Gupta

Bench : Single Bench

Advocate : Ashish Gupta, Mazlish Khan, Vandana Malhotra

Final Decision : Allowed

Judgement

Sr. No., Heads, Calculation

(i), Name of the deceased, Sabbir

(ii), Age of the deceased, 35 years

(iii), Date of accident, 26.11.2011

(iv), Monthly income of the deceased, Rs.4650

(v), 40% of (iv) is to be added towards future prospects, (Rs.4650 + Rs.1860) = Rs.6510 per month

(vi), 1/5th of (v) above deducted towards personal expenses, Rs.6510 - Rs.1302 = Rs.5208 per month

(vii), Compensation calculated after applying the multiplier of 16, (Rs.5208 X 12 X 16) = Rs.999936

(viii), Compensation for funeral expenses, Rs.10000

(ix), Compensation for loss of estate, Rs.10000

(x), Compensation for loss of consortium, Rs.30000

,Total,Rs.1049936 (rounded off to Rs.1050000)

9. As a sequel of my discussion above, the instant appeal has merit and the same is accepted. Award of the Tribunal is modified and the",,

compensation allowed to claimants for death of Sabbir is enhanced from Rs.8,02,600/- to Rs.10,50,000/-. The enhanced amount of compensation",,

will carry interest @ 7% per annum from the date of filing of the claim petition till actual realization. Respondent no. 3-Insurance Company being,,

insurer of the offending vehicle will deposit the share of claimants in their bank accounts or pay the same through demand drafts. Claimants will,,

share the enhanced amount of compensation as per award passed by the Tribunal. The share of claimants-appellants No. 5 to 9, who are minor",,,

will be deposited in some nationalized bank as fixed deposit till the period they attain majority. It is, however, made clear that the bank may take",,

the documents regarding age of minor as required at the time of deposit of the amount and they shall not be asked to bring fresh order from the,,

Tribunal to get the payment of the amount deposited in their names after the date of their attaining majority. The above direction has been issued to,,

save claimant from unnecessary harassment caused due to directions, the bank usually give to bring the order of Tribunal to get the payment even",,

after attaining the age of majority. Claimant no. 1-Asubi, being mother and natural guardian of minor claimant shall be entitled to get interest on the",,

share of minor deposited with bank, on monthly, quarterly, half yearly or annual basis, as per her convenience to meet expenses of their brought",,

up.,,