

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

FAO No.4705 of 2002 (O&M)

Date of decision: 08.10.2015

Ran Singh and others

....Appellants

Versus

Meharban and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Abhinav Sood, Advocate
for Mr.A.K. Singal, Advocate
for the appellants.

Respondent No.2 ex parte.

Mr. Vinod Chaudhri, Advocate
for respondent No.3.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal') vide award dated 27.05.2002, on account of death of Jitinder Kumar in a motor vehicular accident which took place on 22.07.1996.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 22.07.1996, Jitinder Kumar was driving his scooter bearing registration No.DL-65-B-0297, on his due left hand side on moderate speed and was going

towards Samalkha side after coming from Panipat. When he reached in front of Risalu turn on G.T. Road, in the area of village Siwah, a truck bearing registration No.DIL-524, driven by its driver rashly, negligently, carelessly and without blowing horn came from Delhi side and turned towards Risala Road and dashed the truck against scooter of Jitinder Kumar and dragged him to some distance. As a result of which, Jitinder Kumar sustained grievous and multiple injuries. In this regard, FIR No.180 dated 22.07.1996, in respect of the accident in question, was got registered.

Consequently, the claimants-appellants filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident was caused on account of rash and negligent driving by Meharban-respondent No.1. The claim petition was accepted by the Tribunal and a sum of Rs.3,55,400/- was awarded as compensation on account of death of Jitinder Kumar.

The monthly income of the deceased was assessed at Rs.2,070/- per month, out of which 1/3rd amount was deducted towards personal expenses. The dependency of claimants, thus, came to Rs.1,380/- per month (rounded off to Rs.1,400/-), which came to Rs.16,800/- per annum. Jitinder Kumar (deceased) was 22

years of age at the time of the accident/death and the multiplier of 18 was applied. Thus, the claimants were found entitled to compensation of Rs.3,02,400/-. In addition to it, further compensation of Rs.43,000/- was awarded on account of medical expenses and Rs.10,000/- was awarded towards funeral expenses. Hence, the claimants were found entitled to total compensation of Rs.3,55,400/-.

Feeling dissatisfied with the impugned award, the claimants-appellants have preferred the present appeal.

REASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident.

In the peculiar facts and circumstances of the case, to meet the ends of justice, the compensation is hereby reassessed in view of the judgments of *Asha Verman and others vs. Maharaj Singh and others*, 2015(2) RCR (Civil) 520, *Sarla Verma and others vs. Delhi Transport Corporation and another*, 2009 (3) RCR (Civil) Page 77, *Rajesh and others vs. Rajbir Singh and others*, 2013 (9) SCC 54 and *Munna Lal Jain and another vs. Vipin Kumar Sharma and others*, 2015(3) Recent Apex Judgments 459. Accordingly, the compensation re-assessed as under:-

SR. NO.	HEADS	CALCULATIONS
(i)	Annual Income (Rs.2,070/- x 12)	Rs.24,840/-
(ii)	50% of (i) above to be added as future prospects (Age 22 years)	(Rs.24,840/-) + (Rs.12,420/-) = Rs.37,260/-
(iii)	Dependency of the claimant after deducting 1/10th of (ii) towards personal expenses of the deceased	(Rs.37,260/-) - (Rs.3,726/-) = Rs.33,534/-
(iv)	Compensation after multiplier of 14 is applied	(Rs.33,534/- x 18) =Rs.6,03,612/-
(vi)	Loss of love and affection, consortium and funeral expenses	Rs.1,00,000/-
(ix)	TOTAL COMPENSATION TO BE AWARDED	Rs.7,03,612/-
(x)	Enhanced amount of compensation	(Rs.7,03,612/-) – (Rs.3,55,400/-) =Rs.3,48,212/-

The enhanced amount of compensation of **Rs.3,48,212/-** shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of “*Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others*”, 2015(1) SCC 539. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

(RITU BAHRI)
JUDGE

08.10.2015
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