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

**FAO No.1150 of 2002**

**Date of decision: 10.12.2015**

Beero @ Bhiri & others

....Appellants

Versus

Tanveer Khan and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. J.S. Virk, Advocate  
for the appellants.

Mr. Survir Dewan, Advocate  
for respondent No.3.

**RITU BAHRI J. (Oral)**

The appellants/claimants have come up in appeal against the order dated 21.12.2001 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal'), whereby the Tribunal has awarded a sum of ₹ 2,63,000/- to the appellants/claimants on account of the death of Lal Chand.

**FACTS NOT IN DISPUTE**

Brief facts of the case are that on 17.02.2001 at about 1.30 p.m., the deceased while going on his bicycle

was knocked down by truck No.HNL-4287 (hereinafter referred to the offending vehicle, for short) being driven by respondent No.1 in a rash and negligent manner. The deceased died on the spot. The matter was reported in police station city Karnal where first information report No.84/2001 was registered under Section 2/9/304-A of Indian Penal Code against respondent No.1.

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

### **COMPENSATION ASSESSED BY THE MACT**

Respondents No.1 and 2 filed their joint written statement and respondent No.3 also filed his separate written statement controverting the claim of the claimant-appellants.

On the basis of evidence led by the parties, the Tribunal has rightly returned the finding on Issue No.1, in favour of the claimants-appellants.

After going through the evidence on record, the Tribunal found that the claim petition was partly accepted by the Tribunal and a sum of ₹ 2,63,000/- was awarded as compensation on account of death of Lal Chand along with future interest at the rate of 12% per annum from the date of filing of the petition till its realization.

The monthly income of the deceased was assessed at ₹ 1,800/- per month, out of which 1/4<sup>th</sup> amount

was deducted towards personal expenses. The dependency of claimants, thus, came to ₹ 1,350/- per month, which came to ₹ 16,200/- per annum. Lal Chand (deceased) was 30 years of age at the time of the accident/death and the multiplier of 16 was applied. Thus, the claimants were found entitled to compensation of ₹ 2,59,200/-. The Tribunal further awarded a sum of ₹ 3,800/- towards on performing last rites of the deceased. Hence, the claimants were found entitled to total compensation of ₹ 2,63,000/-.

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, Gopali and others vs. New India Assurance Company Ltd., 2012 (12) SCC 198, 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                                                                                                   | ₹ 1,800/- x 12 =<br>₹ 21,600/- per annum                   |
| (ii)    | 50% of (i) above to be added as future prospects (Age 30 years)                                                 | (₹21,600/-) + (₹10,800/-)<br>= ₹ 32,400/-                  |
| (iii)   | Dependency of the claimant after deducting 1/10 <sup>th</sup> of (ii) towards personal expenses of the deceased | (₹ 32,400/-) – (₹ 3,240/-)<br>= ₹ 29,160,-                 |
| (iv)    | Compensation after multiplier of 17 is applied                                                                  | (₹ 29,160/- x 17)<br>= ₹ 4,95,720/-                        |
| (v)     | Loss of consortium                                                                                              | ₹ 1,00,000/-                                               |
| (vi)    | Loss of estate                                                                                                  | ₹ 1,00,000/-                                               |
| (vii)   | Loss of love and affection for minor children                                                                   | ₹ 3,00,000/-<br>(₹ 1,00,000/- each)                        |
| (viii)  | Loss of love and affection to the parents                                                                       | ₹ 1,00,000/-<br>(₹ 50,000/- each)                          |
| (ix)    | Funeral expenses                                                                                                | ₹ 25,000/-                                                 |
| (x)     | <b>TOTAL COMPENSATION AWARDED</b>                                                                               | <b>₹ 11,20,720/-</b>                                       |
| (xi)    | <b>Enhanced amount of compensation</b>                                                                          | <b>(₹ 11,20,720/-) – (₹ 2,63,000/-)<br/>= ₹ 8,57,720/-</b> |

The enhanced amount of compensation of **₹ 8,57,720/-** 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**

**10.12.2015**  
*yogesh*