

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

FAO No. 1840 of 1994

Date of decision:- 10.09.2015

Jasveer Kaur @ Gurmeet Kaur and another

...Appellants

Versus

Naranjan Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Kanwal Goel, Advocate
for the appellants

Mr. Karmander Singh, Advocate
for respondent No. 3

Mr. Ashwani Talwar, Advocate with
Mr. J.S. Chhatrat, Advocate and Ms. Aparana Vashisht, Advocate
for respondent No. 4

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 21.02.1994 passed by the learned Motor Accident Claims Tribunal, Sangrur (for short, 'the Tribunal') to the tune of Rs.51,000/-.

FACTS NOT IN DISPUTE

2. On 17.09.1991, Sarup Singh @ Jagroop Singh was going on Scooter No. PB-11-B/3782 from village Banbaura to village Issra and reached near Dera of Sant Garib Dass when three wheeler temp No. PCT-981 came

from the opposite side at a very high speed and hit into the scooter of the deceased, as a result of which he fell on to the road. This witness was examined by Darshan Singh and Karamjit Singh. The deceased was admitted in Civil Hospital Malerkotla on account of serious condition from where he was referred to Daya Nand Medical College, Ludhiana, where he died on 19.09.1991 due to the injuries suffered by him in the accident.

3. The learned counsel for the claimants-appellants contends that the compensation awarded by the learned Tribunal is on the lower side, as future prospect has not been given and the salary of the deceased has been taken as Rs.2000/- only, thus the compensation deserves to be enhanced, in view of the judgment '***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***', '***Asha Verman and others vs. Maharaj Singh and others, 2015(2) RCR (Civil) 520***' and '***Kalpanaraj and others v. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil) 193***'.

4. On the other hand, the learned counsel for the respondent-Insurance Company have vehemently opposed the present appeal.

5. I have heard learned counsel for the parties and perused the record.

COMPENSATION ASSESSED BY MACT

6. The learned Tribunal assessed the salary of the deceased at

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Rs.2000/- per annum as he was having 70 bighas of land and applied the multiplier of 18 and the amount comes to Rs.36,000/- and Rs.15,000/- were given as loss of consortium to wife. Thus, the total compensation of Rs.51,000 was awarded to the claimants.

7. Learned counsel for the appellant has referred to a judgment of this Court in a case of ***Gurdeep Kaur v. Tarsem Singh, 2008(2) RCR (Civil) 774*** whereby this Court in a case of death of a person who was having agricultural land of 07 acres, took his salary at Rs.3000/- per month.

RE-ASSESSED COMPENSATION

8. It is not in dispute that the accident had taken place and the offending vehicle was fully insured with the Insurance company.

9. Reference at this stage can also be made to a judgment passed by Hon'ble the Supreme Court in a case of ***General Manager, Kerala State Road Transport Corporation, Trivandrum vs. Mrs. Susamma Thomas and others, 1994 SCC (Cri) 335*** whereby Hon'ble the Supreme Court in an old case of 1984 had taken the monthly income of deceased at Rs.2000/- and dependency comes to Rs.1400 and thereafter multiplier of 12 was applied. Rs.15,000/- was given on account of loss of consortium and loss of estate.

10. Keeping in view the fact that in the present case, the deceased was having about 15 acres of land, his salary can be taken at Rs.3000, in view of ***Gurdeep Singh's case (supra)***. The compensation is re-assessed as follows :-

Sr. No.	Heads	Calculations
(i)	Salary	Rs.3000/- per month
(ii)	50% of (i) above to be added as future prospects=	Rs.3000+Rs.1500=Rs.4500/- per month
(iii)	1/3 rd deducted as personal expenses of the deceased=	Rs.4500-1500=Rs.3000/-
(iv)	Compensation after multiplier of 17 is applied	Rs.3000X12X17= Rs.6,12,000/-
(v)	Loss of consortium, Funeral charges, loss of love and affection, loss of estate	Rs.50,000/-
(xii)	Total Compensation awarded	Rs.6,62,000/-
	Enhanced amount of compensation	6,62,000-51,000=Rs.6,11,000/-

9. Resultantly, the enhanced amount of compensation of Rs.6,11,000 /- shall be payable within a period of forty five days 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 a 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.

10. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

September 10, 2015

G Arora

(**RITU BAHRI**)
JUDGE