

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

**FAO No.1362 of 2003  
Date of decision : 31.08.2015**

Shrimati Rani & others

...Appellants

versus

Bajey Singh & others

...Respondents

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

**Present:** Mr. Rajesh Goyal, Advocate  
for the appellants.

Mr. R.N.Singhal, Advocate for respondent No.3.

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**RITU BAHRI, J (Oral)**

The appellants/claimants have come up in appeal against the order dated 23.12.2002 passed by the Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal'), whereby the Tribunal has awarded a sum of Rs.3,13,000/- to the appellants/claimants.

The facts not in dispute are that on 07.12.1999 at 8.30 PM Farru, who availed lift in tractor trolley of one Satish Kumar and sat in trolley and tractor was driven by the said Satish Kumar son of Ram Kumar resident of village Sondhapur and the latter intended to go to Panipat and at that time offending truck No.HR-11-2045 was coming from back side in a very rash and negligent manner and at a high speed driven by respondent No.1 Mohinder Singh, so said Satish Kumar stopped the tractor trolley on the left side of the road. When the truck over took the tractor trolley at that speed the truck was overloaded to the

extent of height and wires of electricity fell down on the said Farru, who was in the trolley and thereafter driver of the truck fled away with the truck from the spot. The said Farru was taken to Chaudhary Hospital Jatal Road Panipat by Rajesh where he was declared dead. The accident took place due to the rash and negligent driving of respondent No.1, who is also facing trial under Sections 279 and 304 A in the criminal Court at Panipat.

Respondents No.1 and 2 filed their separate written statements controverting the claim of the claimants.

After going through the evidence on record, the Tribunal has accepted the claim of the claimants and assessed the income of Farru at Collector's rate @ Rs.2,070/- per month and after deducting the one third amount on personal expenses, assessed the amount to Rs.1,400/- per month. Multiplier of 18 was applied as the deceased died at the age of 25 years. Thus, total dependency came to Rs.3,02,400/- (1400x18x12). The Tribunal further awarded a sum of Rs.600/- towards transportation and a sum of Rs.10,000/- towards funeral expenses. Thus, a total amount of compensation of Rs.3,13,000/- was awarded to the claimants.

Feeling dissatisfied with the order of the Tribunal, the appellants/claimants have come up in appeal for enhancement of the compensation.

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

The fact of accident is admitted and proved. The deceased

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 & ors. Vs. Maharaj Singh & ors., 2015 (2) RCR (Civil) 520, Sarla Verma & ors. Vs. Delhi Transport Corporation & anr., 2009 (3) RCR (Civil) Page 77, Rajesh & ors. Vs. Rajbir Singh & ors., 2013 (9) SCC 54 and Munna Lal Jain & anr. Vs. Vipin Kumar Sharma & ors., 2015 (3) Recent Apex Judgments 459. Accordingly, the compensation is reassessed as under:-

| Sr. No. | Heads                                                                         | Calculation                                                  |
|---------|-------------------------------------------------------------------------------|--------------------------------------------------------------|
| (i)     | Income                                                                        | Rs.2,070/- per month                                         |
| (ii)    | Annual Income                                                                 | Rs.2,070/- x 12 =<br>Rs.24,840/- per annum                   |
| (iii)   | 50% of (ii) added for future prospects (age of the deceased was 25 years)     | (Rs.24,840/-) + (Rs.12,420/-)<br>= Rs.37,260/-               |
| (iv)    | 1/ <sup>3rd</sup> of (iii) deducted towards personal expenses of the deceased | (Rs.37,260/-) – (Rs.12,420/-)<br>= Rs.24,840/-               |
| (v)     | Compensation after multiplier of 18 is applied                                | (Rs.24,840/- x 18)<br>= Rs.4,47,120/-                        |
| (vi)    | Loss of estate                                                                | Rs.1,00,000/-                                                |
| (vii)   | Loss of consortium                                                            | Rs.1,00,000/-                                                |
| (viii)  | Loss of love and affection to the children                                    | Rs.2,00,000/- (Rs.1,00,000/- to each child)                  |
| (ix)    | Funeral expenses                                                              | Rs.25,000/-                                                  |
| (x)     | <b>Total Compensation awarded</b>                                             | <b>Rs.8,72,120/-</b>                                         |
| (xi)    | <b>Enhanced amount of compensation</b>                                        | <b>(Rs.8,72,120/-) - (Rs.3,13,000/-)<br/>= Rs.5,59,120/-</b> |

The enhanced amount of compensation of **Rs.5,59,120/-** 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 realisation, in view of the judgment of Hon'ble

Supreme Court in the case of *Kumari Kiran through her father Harinarayan Vs. Sajjan Singh & ors., 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.

**31.08.2015**  
Vinay

**(RITU BAHRI)**  
**JUDGE**