

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO No. 795 of 2000

Date of decision : December 04, 2015

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Naika Devi and others

.....Appellants

Versus

Prit Pal Singh and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Sanjeev Sharma, Advocate for the appellants.

Mr. Paul S. Saini, Advocate for respondent no.3.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') vide award dated 1.3.1999 in **MACT No. 138 of 15.6.1996/21.10.1998** on account of death of Ram Naresh in a

vehicular accident, husband of claimant-appellant no.1 and father of claimants-appellants no.2 to 3.

FACTS NOT IN DISPUTE

The brief facts of the case are that on 24.1.1996 at about 1.30 p.m when the deceased was going on his bicycle on the left side of the road from his office i.e the Tribune towards Ram Darbar for having his lunch and reached near Tribune Chowk, Truck No. PB-12B -1338 being driven by respondent no.1 in a rash and negligent manner turned towards left side and hit the deceased from back side and dragged the deceased and his bicycle for some distance. Due to this accident, Ram Naresh received multiple injuries and died at the spot. With regard to the accident, FIR Ex. P-2 was lodged by the witness, Rakesh Kumar Sood.

COMPENSATION ASSESSED BY THE MACT

On account of death of Ram Naresh, claimants filed claim petition under Section 165 of the Motor Vehicles Act, 1988, which was partly accepted by the Tribunal. The Tribunal gave a finding that the accident was caused due to the rash and negligent driving of respondent no.1 and a sum of Rs. 3,50,000/- was awarded as compensation on account of death of Ram Naresh. The monthly income of the deceased was taken to be Rs. 6,200/- per month. An amount of Rs.2100/- per month was deducted towards his personal expenses. In this way, annual dependency of the claimants was assessed as Rs.49,200 (Rs.4100/- x 12). As the age of Ram Naresh was assessed as 45 years, multiplier of 7 was applied. Thus, the

claimants were found entitled to compensation of **Rs.3,44,400/-**. Another amount of Rs.5600/- was allowed on account of funeral expenses. Thus the appellants-claimants were held entitled to a total compensation of Rs.3,50,000/-

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. 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 award of the Tribunal does not require any interference. However, in the impugned award dated 1.3.1999, passed by the Motor Accident Claims Tribunal, Chandigarh, no amount has been assessed and granted under the conventional heads of loss of love and affection for children and loss of consortium. A frugal amount of 5,600/- has been awarded on account of funeral expenses. A lump sum amount of Rs.1,25,000/- under the conventional heads of loss of love and affection, and loss of consortium is considered appropriate and I award the same.

The enhanced amount of compensation of **Rs.1,25,000/-** 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.

December 04, 2015
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(RITU BAHRI)
JUDGE