

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

FAO No.2082 of 2001

Date of decision: 10.12.2015

Banarsi Devi & others

....Appellants

Versus

Hari Om and & others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Praduman Yadav, Advocate
for the appellants.

Mr. V. Ramswaroop, Advocate
for respondents No.1 and 2.

RITU BAHRI J. (Oral)

The appellants/claimants have come up in appeal against the order dated 18.12.2000 passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'the Tribunal'), whereby the Tribunal has awarded a sum of ₹ 1,92,000/- to the appellants/claimants on account of the death of Parmesh.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 11.03.1998, Parmesh (deceased) was travelling in Jeep No.DL-1CD/4425 and was proceeding from Dharuhera towards Bilaspur,

when the said jeep reached near the Houseing Board colony, Dharuhera, on the National Highway No.8, a DTC Bus bearing registration No.DHP 3521, being driven by respondent No.1, Hari Ram, came from the side of Delhi. It was being driven rashly and negligently and without following the traffic rules and hit the jeep from the front side, as a result of which, the jeep had turned turtle and Parmesh had suffered multiple serious injuires on the various parts of his body and ultimately succumbed to the injuries at the spot. With respect to the accident a case was got registered with the police against respondent No.1 as FIR No.111 dated 11.03.1998 for the offences under Sections 270/337/304-A IPC at Police Station Dharuhera.

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

COMPENSATION ASSESSED BY THE MACT

Before the Tribunal, Om Parkash appeared as PW-3 to prove the accident in question.

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.

The claim petition was partly accepted by the Tribunal and a sum of ₹ 1,92,000/- was awarded as compensation on account of death of Parmesh along with future interest at the rate of 10% per annum from the date of filing of the petition till its realization.

The monthly income of the deceased was assessed at ₹ 1,500/- per month, out of which 1/3rd amount was deducted towards personal expenses. The dependency of claimants, thus, came to ₹ 1,000/- per month, which came to ₹ 12,000/- per annum. Parmesh (deceased) was 21 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 ₹ 1,92,000/-. Hence, the claimants were found entitled to total compensation of ₹ 1,92,000/-.

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, ***Rajesh and others vs. Rajbir Singh and others***, 2013 (9) SCC 54 and ***Munna Lal Jain***

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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	₹ 1,500/- x 12 = ₹ 18,000/- per annum
(ii)	50% of (i) above to be added as future prospects (Age 21 years)	(₹ 18,000/-) + (₹ 9,000/-) = ₹ 27,000/-
(iii)	Dependency of the claimant after deducting 1/3rd of (ii) towards personal expenses of the deceased	(₹ 27,000/-) - (₹ 9,000/-) = ₹ 18,000/-
(iv)	Compensation after multiplier of 18 is applied	(₹ 18,000/- x 16) = ₹ 3,24,000/-
(v)	Loss of love and affection to mother	₹ 1,00,000/-
(vi)	Funeral expenses	₹ 25,000/-
(vii)	TOTAL COMPENSATION AWARDED	₹ 4,49,000/-
(viii)	Enhanced amount of compensation	(₹ 4,49,000/-) - (₹ 1,92,000/-) = ₹ 2,57,000/-

The enhanced amount of compensation of **₹ 2,57,000/-** 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.

(RITU BAHRI)
JUDGE

10.12.2015
yogesh