

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

**FAO No.2156 of 2004
Date of decision : 31.08.2015**

Paramjit Kaur & others

...Appellants

versus

Jagjit Singh & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. BPS Virk, Advocate
for the appellants.

Mr. Nikunj Dhawan, Advocate for
Mr. Harsh Aggrawal, Advocate
for respondents No.2 and 3.

RITU BAHRI, J (Oral)

The appellants/claimants have come up in appeal against the order of Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal') dated 17.12.2003, vide which the Tribunal has awarded a compensation to the claimants to the tune of Rs.2,52,000/- on account of death of deceased Naib Singh, which would be payable by the respondents jointly and severally within a period of three months, failing which they had to pay interest, thereon, @ 9% per annum.

Briefly stated, the facts of the case are that on 05.05.2003, Naib Singh deceased son of Mohinder Singh, alongwith his brother Sahib Singh was coming from the office of Punjab State Electricity Board towards barrier on his bicycle. When he reached near the barrier at Banur at about 2.30 PM, respondent No.1 came driving on bus

No.PB-11A-9251 in a rash and negligent manner from Chandigarh side struck the same against the bicycle of Naib Singh who as a result was crushed under the bus and died on the spot. Post mortem of the deceased was conducted at A.P.Jain Hospital, Rajpura on 06.05.2003 and case FIR No.32 dated 05.05.2003 under Sections 279/304-A IPC was registered against respondent No.1 as the accident took place due to rash and negligent driving. The deceased was a milk seller and used to earn Rs.10,000/- per month and the claimants were dependents upon him who used to spend Rs.8,000/- per month upon them.

Respondents No.1 to 3 filed their joint written statement and denied the accident and other averments in the claim petition.

The Tribunal after going through the evidence on record, allowed the claim petition and awarded the compensation by assessing the income of the deceased at Rs.2100/2200 per month. After making deduction of 1/3rd which would be spent by the deceased on himself the maintenance of the claimants was assessed at Rs.1,500/- per month. Multiplier of 14 was applied and thus the annual dependency of the claimants came to Rs.1500 x 12 x 14 = Rs.2,52,000/-. Thus, the Tribunal allowed total compensation of Rs.2,52,000/- to the claimants which would be payable by the respondents jointly and severally.

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, Munna Lal Jain & anr. Vs. Vipin Kumar Sharma & ors., 2015 (3) Recent Apex Judgments 459* and *New India Assurance Company Limited Vs. Gopali & ors. 2012 (12) SCC 198*. Accordingly, the compensation is reassessed as under:-

Sr. No.	Heads	Calculation
(i)	Income	Rs.2,100/- per month
(ii)	Annual Income	Rs.2,100/- x 12 = Rs.25,200/- per annum
(iii)	50% of (ii) added for future prospects	(Rs.25,200/-) + (Rs.12,600/-) = Rs.37,800/-
(iv)	1/10 th of (iii) deducted towards personal expenses of the deceased	(Rs.37,800/-) – (Rs.3,780/-) = Rs.34,020/-
(v)	Compensation after multiplier of 15 is applied	(Rs.34,020/- x 15) = Rs.5,10,300/-
(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.4,00,000/- (Rs.1,00,000/- each to the children)
(ix)	Loss of love and affection to the mother	Rs.50,000/-
(x)	Funeral expenses	Rs.25,000/-
(xi)	Total Compensation awarded	Rs.11,85,300/-
(xii)	Enhanced amount of compensation	(Rs.11,85,300/-) - (Rs.2,52,000/-) = Rs.9,33,300/-

The enhanced amount of compensation of **Rs.9,33,300/-** 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