

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) **FAO No.2272 of 2006 (O&M)**

Monu alias Sonu
...Appellant
Versus
Ranjit Singh and others
...Respondents

(2) **FAO No.2273 of 2006 (O&M)**

Rajinder Kumar
...Appellant
Versus
Ranjit Singh and others
...Respondents

(3) **FAO No.2274 of 2006 (O&M)**

Nirmala Devi
...Appellant
Versus
Ranjit Singh and others
...Respondents

(4) **FAO No.2275 of 2006 (O&M)**

Uma Devi
...Appellant
Versus
Ranjit Singh and others
...Respondents

(5) **FAO No.2276 of 2006 (O&M)**

Rajinder Kumar and others
...Appellants
Versus
Ranjit Singh and others
...Respondents

Date of Decision: July 17, 2015

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Tribhawan Singla, Advocate
for the appellants.

None for respondent No.1.

Mr.N.K.Verma, Senior DAG, Punjab
for respondents No.2 and 3-State.

INDERJIT SINGH, J.

All the above-mentioned FAOs are taken up together for disposal being arisen from same occurrence and the points involved for determination are also the same.

All the above-mentioned cases have been filed by the claimants against Ranjit Singh, driver, General Manager and State of Punjab, both owners of bus No.PB-12C-9054 (offending vehicle), challenging the impugned Awards dated 11.10.2005 passed by learned Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as 'Tribunal'), whereby compensation to the tune of ₹10,000/- to claimant-injured Monu alias Sonu (in MACT No.22), ₹26,318/- to claimant-injured Rajinder Kumar (in MACT No.19), ₹23,854/- to claimant-injured Nirmla Devi (in MACT No.18), ₹33,000/- to claimant-injured Uma Devi (in MACT No.21) and ₹2,39,200/- to claimants Rajinder Kumar, Naresh Kumar, Raju alias Jatinder Singh and Babli on account of death of Bimla Rani (in MACT No.20), have been awarded along with interest @ 9% per annum from the date of filing of claim petitions till realization.

The brief facts of the case are that on 14.11.2002, Monu alias Sonu along with his mother Uma Devi, Bimla Rani, Rajinder Kumar Raju, Babli, Brihaspati Parshad, Nirmala Devi, Ram Kamal and others were going from Bathinda in a jeep make Trax bearing

registration No.DL-4CA-7172 driven by Vivek Aggarwal, to attend the satsang of Dera Sacha Sauda Sirsa. The jeep was being driven at a moderate speed. When they reached at about 6.20 A.M. on the Bibiwala Road, a bus bearing registration No.PB-12C-9054 came from the opposite side driven by respondent-driver at a high speed rashly and negligently and hit the bus against the jeep. As a result of accident, Monu @ Sonu, Bimla Rani, Uma Devi, Nirmala Devi and others sustained injuries. The injured were taken to Civil Hospital, Bathinda but on the way, Bimla Rani succumbed to the injuries. FIR was registered.

In the written statement, respondents denied the accident. It is the case of respondents No.2 and 3 that on 14.11.2002 the offending vehicle was being driven by the respondent-driver Ranjit Singh, who had come to take the bus from Dabwali so as to go to Chandigarh. It is further the case that bus was going on slow speed and rather the trax jeep was being driven rashly and negligently and hit the bus.

Notice of motion was issued in each case and learned Senior DAG, Punjab for respondents No.2 and 3-State appeared and contested all the appeals and none appeared on behalf of respondent No.1 despite service.

At the time of arguments, learned counsel for the appellants-claimants argued that the compensation awarded by the Tribunal is on lower side and liable to be enhanced.

The perusal of the record shows that the Tribunal, in claim

petition filed by Uma Devi, awarded ₹25,000/- for pain and suffering, ₹3000/- for transportation charges and ₹5000/- as special diet. Claimant Uma Devi remained admitted from 22.11.2002 to 19.12.2002 in the civil hospital, Bathinda. As there is no permanent disability, therefore, no amount has been awarded on this ground.

Further, the perusal of the record shows that the Tribunal has not given any amount on the account of medical expenses and future medical expenses. As per the doctor, there was fracture of the pelvis and the mendible. Therefore, claimant Uma Devi might have spent money on the medical treatment. No loss of income has been given fro the period when Uma Devi remained unfit and could not do any.

In view of the above, I find merit in the appeal filed by Uma Devi and she is entitled to the compensation as under:-

Pain and suffering	₹25,000/-
Special diet	₹5,000/-
Transportation charges	₹5,000/-
Attendant charges	₹5,000/-
Medical expenses	₹20,000/-
Loss of income during treatment/ service to the family	₹15,000/-
Total compensation	₹75,000/-

In the claim petition filed by Nirmala Devi, I find that she has not suffered any permanent disability. As per the evidence on record, she suffered fracture of right scapula and remained admitted in the hospital from 14.11.2002 to 22.11.2002. The Tribunal awarded ₹20,000/- for pain and suffering, ₹3000/- as special diet and ₹854/- on

the ground of medical bills.

From the evidence on record, I find that no compensation has been awarded on the ground of transportation charges, attendant charges and no amount has been awarded for the period when she remained under treatment and could not do the routine work/services to the family.

In view of the above, I find merit in the appeal filed by Nirmala Devi and she is entitled to the compensation as under:-

Pain and suffering	₹20,000/-
Special diet	₹5,000/-
Transportation charges	₹5,000/-
Attendant charges	₹5,000/-
Medical expenses	₹15,000/-
Loss of income during treatment/ service to the family	₹10,000/-
Total compensation	₹60,000/-

In the claim petition filed by Rajinder Kumar, I find that as per evidence on record, the claimant-injured Rajinder Kumar suffered clavical fracture of 4th to 7th ribs. There was no permanent disability to the claimant. He remained admitted in the hospital also from 14.11.2002 to 22.11.2002 i.e for eight days and could not do routine activity. The Tribunal only awarded ₹3000/- as special diet, ₹15,000/- for pain and suffering and ₹8318/- for medical expenses totaling to ₹26,318/-.

In view of the evidence, though there is no permanent disability but no compensation has been awarded on account of attendant charges, transportation charges, future medical expenses

and loss of services to the family.

In view of the above, I find merit in the appeal filed by Rajinder Kumar and he is entitled to the compensation as under:-

Pain and suffering	₹15,000/-
Special diet	₹5,000/-
Transportation charges	₹5,000/-
Attendant charges	₹5,000/-
Medical expenses	₹8,318/-
Future medical expenses	₹10,000/-
Loss of income during treatment/ service to the family	₹10,000/-
Total compensation	₹58,318/-

In the claim petition filed by Monu alias Sonu, I find that he remained admitted in the hospital from 14.11.2002 to 20.11.2002 i.e. for a period of one week. He has not suffered any permanent disability. The Tribunal awarded ₹5000/- for pain and suffering, ₹2000/- as special diet and ₹3000/- as medical expenses. As per evidence on record, Monu alias Sonu suffered temporo parietal fracture with small underline contusion. The claimant-injured Monu alias Sonu was aged about 4 years at the time of accident.

In view of the above, I find merit in the appeal filed by Monu alias Sonu and he is entitled to the compensation as under:-

Pain and suffering	₹10,000/-
Special diet	₹5,000/-
Transportation charges	₹5,000/-
Attendant charges	₹5,000/-
Medical expenses	₹15,000/-
Total compensation	₹40,000/-

In the claim petition filed by Rajinder Kumar and others on account of death of Bimla Rani, the Tribunal assessed the compensation by holding that Bimal Rani was housewife; she died in the accident; she was aged about 40 years. The Tribunal by taking her income as ₹1200/- per month, calculated annual dependency as ₹14,400/- and compensation of ₹2,30,400/- was granted by applying the multiplier. Further, the Tribunal awarded ₹2000/- as funeral expenses, ₹5000/- as loss of consortium and ₹2500/- for loss of estate.

After going through the record, I find that income assessed by the Tribunal is on lower side. Further, I find that the compensation awarded on account of funeral expenses, loss of consortium and loss of estate, is also on lower side.

In view of the above, I find merit in the appeal filed by claimants Rajinder Kumar and others on account of death of Bimla Rani and they are entitled to the compensation as under:-

Notional income of the deceased	₹3,000/-
Annual Dependency	₹36,000/-
Total dependency by applying Multiplier of 15	₹5,40,000/-
Funeral expenses	₹25,000/-
Loss of consortium	₹1,00,000/-
Loss of love and affection to the minor	₹1,00,000/-
Loss of estate	₹5,000/-
Total compensation	₹7,70,000/-

In view of above, the appellants-claimants are entitled to total compensation as mentioned above, along with the same interest

on the enhanced amount as awarded by the Tribunal. In FAO No.2276 of 2006, the enhanced amount be disbursed to the claimants proportionately as per Award passed by the Tribunal.

Therefore, finding merit in all the appeals, the same are allowed accordingly.

July 17, 2015
Vgulati

(INDERJIT SINGH)
JUDGE