

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

F.A.O No. 3358 of 2007

Date of decision:- 04.11.2015

Neelam Soni and others

...Appellants

Versus

Parkash and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms. Perna Chandra, Advocate for
Mr. Ashwani Bhardwaj, Advocate
for the appellants.

Mr. Vikrant Hooda, Advocate
for respondent No. 1

Mr. N.K. Sharma, DAG, Haryana and
Mr. Ajay Sharma, DAG, Haryana

Mr. Aseem Aggarwal, Advocate
for respondent No. 4

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI J.

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, (FTC) Bhiwani (for short, 'the Tribunal') to the tune of Rs. 7,60,000/-, vide impugned award dated 14.12.2006.

FACTS NOT IN DISPUTE

2. On 30.09.2001, Mohan Lal (since deceased) along with brother Mukesh and his Bhabhi Jyoti and their daughter were going from Fatehabad to Delhi in their UNO car bearing No. HR-16-C-0621. When they crossed Rohtak police naka and reached towards Delhi then a bus bearing registration No. HR-39-4600 came from opposite at a very high speed, being driven by respondent No. 1, and hit the car, as a result of which occupants of the car received multiple and grievous injuries. A police patrolling jeep reached at the spot and shifted all the injured to Delhi Hospital at Bahadurgarh. Mohan Lal died due to the injuries suffered by him in the accident. On the statement of Mukesh Kumar, F.I.R No. 375 dated 30.09.2001 u/s 279/337/304-A IPC has been registered in this regard.

3. The learned counsel for the appellants contends that the Tribunal has erred in awarding the compensation, in view of the judgment of '***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 and another vs. Vipin Kumar Sharma and others, 2015(3) Recent Apex Judgments 459***', '***Asha Verman and others vs. Maharaj Singh and others, 2015(2) RCR (Civil) 520*** and

Kalpanaraj and others v. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil) 193.

4. On the other hand, the learned counsel for the respondent-Insurance Company have vehemently opposed the present appeal.

5. I have heard learned counsel for the parties and gone through the record.

6. The learned Tribunal while granting the compensation to the appellants had assessed the income of the deceased at Rs.54200/- per annum and by giving future prospect of 40%, the net earning of the deceased is assessed at Rs.75,000/- per annum and cut of 1/3 was applied and the annual loss of dependency comes to Rs.50,000/- and thereafter multiplier of 15 was applied and Rs.10,000/- was awarded towards transportation of dead body and performance of last right. The total compensation of Rs.7,60,000/- was given to the appellants.

6. In the instant case, the deceased was 24 years of age at the time of the accident, as per Annexure P-11. The deceased was businessman, who was running two firms. The accident in question is not in dispute and the offending vehicle was fully insured with the Insurance Company.

7. In view of the above mentioned judgments, the

compensation is re-assessed as under:-

Sr. No.	Heads	Calculations
(i)	Salary	Rs.54200/- per annum
(ii)	50% of (i) above to be added as future prospects=	Rs.54200+Rs.27100=Rs.81,300/- per annum
(iii)	1/4 of (ii) deducted as personal expenses of the deceased=	Rs.81300-Rs.20325=Rs.60975/- per annum
(iv)	Compensation after multiplier of 18 is applied	Rs.60975X 18= Rs.10,97,550/-
(v)	Loss of consortium to wife	Rs.1,00,000/-
(v)	Loss of estate	Rs.1,00,000/-
(vi)	For love and affection to two children	Rs.2,00,000/- (Rs. 1 lac each to two children)
(vii)	For love and affection to mother	Rs.50,000/-
(vii)	Funeral charges	Rs.25,000/-
	Total Compensation awarded	Rs.15,72,550/-
	Enhanced amount of compensation	Rs.15,72,550-Rs.7,60,000=Rs.8,12,550/- (Rounded of to Rs.8,12,000/-)

8. The enhanced amount of compensation of Rs.8,12,000/- shall be payable within a period of forty five days 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 a 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.

9. Accordingly, the award stands modified to the above

extent and the present appeal is partly allowed.

November 04, 2015

G Arora

(***RITU BAHRI***)

JUDGE¹