

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

FAO No.4032 of 2007 (O&M)

Date of decision: 02.09.2015

Anisha and others

.....Appellants

Versus

Jeet Pal and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the appellants.

Mr. D.P. Gupta, Advocate,
for respondent No.3-Insurance Company.

Ritu Bahri, J.

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as 'the Tribunal') vide award dated 03.04.2007 on account of death of Parveen in a vehicular accident. Appellant No.1 is daughter, appellant Nos.2 and 3 are parents and proforma respondent No.4 is widow of deceased Parveen.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 11.11.2005, Parveen (deceased) along with his elder brother-Sanjay was going to Delhi on a motorcycle bearing registration No. HR-11-B-8989. Sanjay was driving the said motorcycle, whereas Parveen was a pillion rider. At about 2.00 p.m., when they reached ahead of Marino Factory on National Highway No.10, a bus bearing registration No. DL-1PB-6897, being driven by respondent No.1-Jeet Pal, came from backside in a rash and negligent manner and struck against their motorcycle. Parveen was crushed under the wheel of the bus

and Sanjay fell on the *kacha path*. In this regard, FIR No.358 dated 11.11.2005, under Sections 279/337/304-A was registered at Police Station Sadar, Bahadurgarh against Jeet Pal-respondent No.1. Consequently, the claimants-appellants filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

The Tribunal, on the basis of evidence led by the parties, came to a conclusion that the accident was caused on account of rash and negligent driving of bus No. DL-1PB-6897 by Jeet Pal-respondent No.1. Ultimately, the claim petition was accepted by the The tribunal and a sum of Rs.4,90,060/- was awarded as compensation on account of death of Parveen along with future interest at the rate of 6% per annum from the date of filing of the petition till its realization. The monthly income of the deceased was assessed at Rs.4000/- per month, out of which 1/3rd amount was deducted towards personal expenses. The dependency of claimants, thus, came to Rs.2667/- per month approximately, which came to Rs.32,004/- per annum. As per the copy of postmortem report, Parveen (deceased) was 25 years of age at the time of the accident/death and the multiplier of 15 was applied. Thus, the claimants were found entitled to compensation of Rs.4,80,060/-/-. In addition to it, further compensation of Rs.10,000/- was awarded towards funeral expenses. Hence the claimants were found entitled to total compensation of Rs.4,90,060/-.

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 and another vs. Vipin Kumar Sharma and others, 2015(3) Recent Apex Judgments 459. Accordingly, the compensation re-assessed as under:-

SR. No.	HEADS	CALCULATION
(i)	Income	Rs.4000/- per month
(ii)	50% of (i) above to be added as future prospects	Rs.4000 + Rs.2000 = Rs.6000/-
(iii)	1/4 th of (ii) deducted as personal expenses of the deceased	Rs.6000 - 1500 = Rs.4500/-
(iv)	Compensation after multiplier of 18 is applied	Rs.4500 x 12 x18 = Rs.9,72,000/-
(v)	Loss of estate	Rs.1,00,000/-
(vi)	Loss of consortium	Rs.1,00,000/-
(vii)	Loss of love and affection for minor daughter	Rs.1,00,000/-
(viii)	Loss of love and affection for parents	Rs.1,00,000/- (Rs.50,000/- each)
(ix)	Funeral expenses	Rs.25,000/-
(x)	TOTAL COMPENSATION AWARDED	Rs.13,97,000/-
	Enhanced amount of compensation	Rs.13,97,000 – 4,90,060 = Rs.9,06,940/-

The enhanced amount of compensation of **Rs.9,06,940/-** 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.

02.09.2015
ajp

(RITU BAHRI)
JUDGE