

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

FAO No.3158 of 2006 (O&M)

Date of decision : 12.08.2015

Karamjit Kaur & others

...Appellants

versus

Ram Lagan & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sham Lal Bhalla, Advocate for the appellants.

Mr. Gopal Mittal, Advocate for respondent No.3.

RITU BAHRI, J (Oral)

The claimants have come up in appeal against the judgment of the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as “the Tribunal”) dated 08.02.2006 whereby her claim petition has been allowed and she has been awarded compensation of Rs.2,25,400/- on account of death of her husband Raghbir Singh. The facts not in dispute are that an accident took place on 17.11.2002 when the deceased Raghbir Singh was going to village Libra and he was working on the katcha portion of the road. Maruti car bearing No.PB-02-AB-6704 struck against Raghbir Singh and he received multiple injuries. He was taken to Civil Hospital, Khanna, where he succumb to the injuries on the same day. An FIR No.197 under Section 279/337/304-A IPC titled as State Vs. Ram Lagan was registered against the driver of the Maruti car Ram Lagan.

The deceased as per post mortem report was about 40 years of age. In the absence of any documentary evidence with regard

to the fact that Raghbir Singh was having and cultivating 2 ½ acres of land and doing dairy farming and was earning Rs.15,000/- per month, the Tribunal assessed the income of the deceased treating him to be a daily wager. The income was assessed as Rs.2100/- per month and after deducting 1/3 the dependency 1400/- per month and the compensation by applying the multiplier of 13 the compensation has been assessed as under:-

“Annual dependency of the claimants comes to Rs.1400/- x 12 = 16,800/-. Keeping in view the age of the deceased in min, relevant multiplier in this case would be '13'. Compensation comes to Rs.16,800 x 13 = 2,18,000/-. Claimants are further allowed Rs.2000/- on account of funeral expenses and Rs.5000/- on account of loss of consortium. Total compensation thus comes to Rs.2,25,400/-.”

Counsel for the respondent has informed the Court that the daily wager's salary for the unskilled labour in 2008 was Rs.2620/- hence the income has been rightly assessed by the Tribunal of the deceased being unskilled labourer. However, as per 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 and Munna Lal Jain & anr. Vs. Vipin Kumar Sharma & ors., 2015 (3) Recent Apex Judgments 459,* 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)	1/3 rd of (iii) deducted towards personal expenses of the deceased	(Rs.37,800/-) – (Rs.12,600/-) = Rs.25,200/-
(v)	Compensation after multiplier of 15 is applied	(Rs.25,200/- x 15) = Rs.3,78,000/-
(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.2,00,000/- (Rs.1,00,000/- to each child)
(ix)	Funeral expenses	Rs.25,000/-
(x)	Total Compensation awarded	Rs.8,03,000/-
(xi)	Enhanced amount of compensation	(Rs.8,03,000/-) - (Rs.2,25,400/-) = Rs.5,77,600/-

The enhanced amount of compensation of **Rs.5,77,600/-** 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.

12.08.2015
Vinay

(RITU BAHRI)
JUDGE