

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

F.A.O No. 739 of 2007 (O&M)

Date of decision:- 17.12.2015

Paramjit Kaur and others

...Appellants

Versus

Gurmail Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. N.S. Swaich, Advocate
for the appellants.

Mr. S.S. Thakur, Advocate
for respondent No.1 and 2

Mr. Suvir Dewan, Advocate
for respondent No. 3-Insurance Company

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 Addl. District Judge (Adhoc), Fast Track Court, Ludhiana (for short, 'the Tribunal') to the tune of Rs. 9,70,000/-, vide impugned award dated 05.09.2006.

FACTS NOT IN DISPUTE

2. On 15.10.2004 Jaswinder Singh (since deceased) was going on scooter bearing No. PB-10AQ-8560 from village Bhadia to Khanna and when he reached on G.T. Road Mandi Gobindgarh from Bhadala ,

the offending truck bearing No. PJI 7265 being driven by respondent No. 1 rashly and negligently struck against the scooter of the deceased and took the scooter to a distance of 20/25 feet and ran over the deceased, as result of which Jaswinder Singh received multiple injuries and was taken to Civil Hospital, Khanna by his father but he died on the way to the hospital.

3. The learned Tribunal while granting the compensation to the appellants had assessed the income of the deceased at Rs.1,45,014 per annum and cut of 2/3 was applied and thereafter multiplier of 10 was applied and Rs.2,000/- was awarded on account of expenditure on funeral rites and Rs.1240/-towards transportation. The total compensation of Rs.9,70,000/- was given to the appellants.

4. 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**.'

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

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

7. In the instant case, the deceased was 41 years of age at the time of the accident. The accident in question is not in dispute and the offending vehicle was fully insured with the Insurance Company.

8. In view of the above mentioned judgments, the compensation is re-assessed as under:-

Sr. No.	Heads	Calculations
(i)	Salary	Rs.1,52,932/- per month
(ii)	Tax Deduction 10%	Rs.1,37,639/-
(ii)	30% of (i) above to be added as future prospects=	Rs.137639+Rs.41291=Rs.1,78,930/-per annum
(iii)	1/4 th of (ii) deducted as personal expenses of the deceased=	Rs.178930-Rs.44732=Rs.134198/- per annum
(iv)	Compensation after multiplier of 14 is applied	Rs.134198 X 14= Rs.18,78,772/-
(v)	Loss of consortium	Rs.1,00,000/-
(v)	Loss of estate	Rs.1,00,000/-
(vi)	For love and affection to three children	Rs.3,00,000/- (Rs. 1 lac each)
(vii)	For love and affection to father	Rs.50,000/-
(vii)	Funeral charges	Rs.25,000/-
	Total Compensation awarded	Rs.24,53,772/-
	Enhanced amount of compensation	Rs.24,53,772-Rs.9,70,000=Rs.14,83,772/- (Rounded of to Rs.14,84,000/-)

9. The enhanced amount of compensation of Rs.14,84,000/- 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.

10. Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

December 17, 2015

G Arora

(**RITU BAHRI**)
JUDGE¹