

In the High Court of Punjab and Haryana at Chandigarh

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F.A.O. No.5168 of 2006 (O&M)

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Date of decision:5.8.2015

Charanjit Kaur and another

.....Appellants

v.

State of Punjab and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Satinder Khanna, Advocate for the appellants.

Mr. N.K. Verma, Senior Deputy Advocate General, Punjab for
respondents No.1 and 2.

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Inderjit Singh, J.

This appeal has been filed by Charanjit Kaur and others-appellants/claimants against State of Punjab, Punjab Roadways, Ferozepur Depot and Gurnek Singh-driver/respondents for enhancement of compensation of ₹3,20,000/- along with interest @7.5% per annum from the date of filing of petition till realization awarded by the Motor Accident Claims Tribunal, Ludhiana, vide award dated 31.5.2006.

The brief facts of the case are that on 4.7.2002, Sukhdev Singh along with other residents of Jagraon started for Dera Baba Bhadbhag Singh on Tata-407 bearing registration No.PB-10S-9730, which was being driven by Sital Singh on the left side of the road from Jagraon to Ludhiana. It was

2.40 p.m., they reached opposite Sartaj Palace, Near Sacred Heart Convent School on Ferozepur Road, Jagraon, a bus bearing registration No.PB-12C-9350 (hereinafter referred to as 'the offending bus') came from the opposite side which was being driven rashly and negligently by its driver Gurnek Singh and struck against the above said Tata 407 by coming on the wrong side of the road. Consequently, all the occupants of Tata 407 received injuries. Sukhdev Singh succumbed to the injuries. An FIR was also registered against Gurnek Singh, driver of the bus at Police Station Jagraon. The claimants are the legal representatives of deceased Sukhdev Singh being wife, sons and mother. He was 42 years old. He was a carpenter and was self-employed. He was earning ₹5,000/- per month. So, they have prayed that they are entitled for compensation from the respondents.

The respondents put in appearance and contested the claim petition filed by the claimants. After framing the issues and the parties led their evidence, the Tribunal awarded compensation of ₹3,20,000/- to the claimants. Aggrieved against this award, the present appeal has been filed by the claimants.

Notice of this appeal was given to the respondents. Mr. N.K. Verma, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of respondents No.1 and 2 and contested this appeal. Respondent No.3-Gurnek Singh-Driver has since expired.

After hearing learned counsel for the appellants and the learned State counsel, I find that legal representatives of Sukhdev Singh (since deceased), who died due to rash and negligent driving of the driver of the

offending bus, are entitled to compensation. The deceased as per evidence was stated to be 42 years of age. He was a carpenter and was self-employed. He was earning ₹5,000/- per month and the Tribunal has taken the income of Sukhdev Singh after holding that he was working as a carpenter only ₹3,000/- per month, which is on lower side. At least ₹3,000/- was earned by a manual labourer at that time. As the deceased was a skilled worker i.e. carpenter, therefore, his income is assessed at ₹4,500/-. Further, I find that the Tribunal has applied the multiplier of 13 instead of 14 as per his age. Only ₹3,000/- has been awarded for funeral expenses and ₹5,000/- as loss of consortium, which are on lower side. No future prospectus have been given by the Tribunal.

Therefore, from the above, I find that the claimants/appellants are entitled to the compensation as under:-

(1) Income of the deceased assessed per month:	₹4,500/-
(2) Future prospectus @ 30%	:₹1,350/-
(3) Income per month after future prospectus :₹4,500 + ₹1350	:₹5,850/-
(4) Dependency per month comes after deducting 1/3 rd	:₹3,900/-
(5) Annual dependency comes to	:₹46,800/-
(6) By applying the multiplier of 14, the dependency comes to	:₹6,55,200/-
(7) Loss of consortium to wife	:₹1,00,000/-
(8) Funeral expenses	:₹ 25,000/-
(9) Loss of love and affection to remaining claimants	:₹1,00,000/-
Total compensation comes to	:₹8,80,200/-

Therefore, the appellants are entitled to compensation of ₹8,80,200/- instead of ₹3,20,000/-. The appellants are also entitled to interest as awarded by the Tribunal on the enhanced amount also from the date of the claim petition till actual payment. The Insurance Company is directed to pay the enhanced amount of compensation to the appellants accordingly, which shall be disbursed to them proportionately as per award.

The appeal is disposed of accordingly.

August 5, 2015.

(Inderjit Singh)
Judge

hsp