

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

FAO No.5264 of 2009 (O&M)

Date of decision: 18.09.2015

Meena Rani and others

.....Appellants

Versus

Pala Singh and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rakesh Gupta, Advocate,
for the appellants.

Mr. Vikasdeep Singh, Advocate,
for respondent Nos. 1 and 2.

Mr. Ajay Singla, Advocate,
for respondent No.3.

Ritu Bahri, J.

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal') vide award dated 10.03.2009 on account of death of Ravinder Singh in a vehicular accident. Appellant No.1 is widow, appellant Nos.2 to 4 are children and appellant No.5 is mother of deceased Ravinder Singh.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 02.03.2006, Ravinder Singh (deceased) along with his wife-Meena Rani (appellant No.1) was going from Rajpura to Patiala on a motorcycle bearing registration No. PB-11-AD-1816. At about 2.00 p.m., when they reached near Urban Estate, Phase-I, Rajpura Road, Patiala, a truck bearing registration No. PB-11-V-8673, which was going ahead of their motorcycle of Ravinder Singh, suddenly

applied brakes without any indication, as a result of which, the motorcycle of the deceased struck with the centre of the truck. Due to this accident, the deceased and his wife (appellant No.1) fell down on the road. Ravinder Singh received multiple injuries. After causing the accident, driver (respondent No.1) of the truck ran away from the spot. The injured was taken to Rajindra Hospital, Patiala, from where he was shifted to Amar Hosital, Patiala, where he remained admitted up till 08.03.2006. He also got treatment from other hospitals at Patiala as his condition was not improving. Thereafter, in the month of August, 2006, he was referred to PGI Chandigarh, where he succumbed to the injuries on 22.11.2006. With regard to the accident, an FIR was registered at the instance of Ravinder Singh. 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 took place on account of rash and negligent driving of truck No. PB-11-V-8673 by Pal Singh-respondent No.1. Meena Rani (PW-2) had tendered into evidence her affidavit, Ex.PW2/A, wherein it was specifically stated that after the accident, her husband was shifted to Rajendra Hospital, Patiala. Thereafter, he was shifted to Amar Hospital, Patiala. As the condition of Ravinder Singh was not improving, he was referred to PGI, Chandigarh, where he remained under treatment, but had succumbed to the injures on 22.11.2006. Postmortem of the dead body was conducted at Rajendra Hospital, Patiala. The FIR was registered at the instance of her husband Ravinder Singh. Harjeet Singh was eye witness of the accident. Dr. Arun Bansal and Dr. Ashok Kumar (PW-1 and PW-4

respectively) proved the admission and treatment of Ravinder Singh in Amar Hospital, Patiala. Dr. K.K. Aggarwal (PW-3) proved the postmortem report of deceased Ravinder Singh as Ex.P14. Ultimately, the claim petition was accepted by the The tribunal and a sum of Rs.6,10,000/- was awarded as compensation on account of death of Ravinder Singh along with interest at the rate of 9% per annum from the date of filing of the petition till its realization. From the Income Tax Returns for the year 2005-06, the income of the deceased was assessed as Rs.75,000/- per year, out of which 1/3rd amount was deducted towards personal expenses. The dependency of claimants, thus, came to Rs.50,000/- per annum. As per the copy of postmortem report (Ex.P14), Ravinder Singh (deceased) was 46 years of age at the time of the accident/death and the multiplier of 11 was applied. Thus, the claimants were found entitled to compensation of Rs.5,50,000/-. In addition to it, further compensation of Rs.10,000/- was awarded towards funeral expenses and Rs.50,000/- towards his medical treatment. Hence the claimants were found entitled to total compensation of Rs.6,10,000/-.

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 *Vimal Kanwar and others Vs. Kishore Dan and others*, 2013

(3) Accidents Claims Journal 1441, **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.75,000/- per year
(ii)	30% of (i) above to be added as future prospects	Rs.75,000+ Rs.22,500 = Rs.97,500/-
(iii)	1/4 th of (ii) deducted as personal expenses of the deceased	Rs.97,500 – 24,375= Rs.73,125/-
(iv)	Compensation after multiplier of 13 is applied	Rs.73,125 x13 = Rs.9,50,625/-
(v)	Loss of estate	Rs.1,00,000/-
(vi)	Loss of consortium	Rs.1,00,000/-
(vii)	Loss of love and affection for minor daughters	Rs.2,00,000/- (Rs.1,00,000/- each)
(viii)	Loss of love and affection for minor son	Rs.1,00,000/-
(ix)	Loss of love and affection for mother	Rs.50,000/-
(x)	Medical expenses	Rs.50,000/-
(xi)	Funeral expenses	Rs.25,000/-
(xii)	TOTAL COMPENSATION AWARDED	Rs.15,75,625/-
	Enhanced amount of compensation	Rs.15,75,625 – 6,10,000 = Rs.9,65,625/-

The enhanced amount of compensation of **Rs.9,65,625/-** 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

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.

18.09.2015
ajp

(RITU BAHRI)
JUDGE