

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5460 of 2009

Date of Decision: 04.09.2015

Sandeep Sharma and Others

.....Appellants

Vs.

Pritam Singh and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Aminder Singh, Advocate
for the appellants.

Mr.M.B.Jain, Advocate for
for respondent No.3-Insurance Company.

RITU BAHRI, J. (ORAL)

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as 'the Tribunal') vide award dated 15.06.2009 on account of death of Sh.Sohan Lal in a vehicular accident, husband of claimant-appellant No.1 and son of appellants No.2 and 3 and father of appellant No.4.

FACTS NOT IN DISPUTE

On 26.07.2007, deceased Sohan Lal was going to his home at Village, Raidhriana after completion of his duty as conductor on bus bearing No.PH11H-9795 belonging to Pepsu Road Transport Corporation, Sangrur Depot. He had started his duty as conductor on the said Bus from Bus Stand Sangrur. The Bus was being driven by its driver namely Jeon Singh son of Surjit Singh. They stopped the Bus at Bus Stand, Patran, Both were going to their houses, on their separate motor cycles. After taking petrol from the petrol pump of Chhabili Dass at Patran, when they came on the main road, then a Truck-Trolla No.HR-37B-3619

No.1 in rashly and negligently and in a zig-gag manner. The deceased Sohan Lal was just ahead the motor cycle of Jeon Singh. At the first instance, the Truck-Trolla was about to hit the motor cycle of Jeon Singh, but he saved himself with very difficulty and after that the said truck-trolla had struck the motorcycle of the deceased Sohan Lal and as a result of that Sohan Lal sustained multiple injuries on his person and died on the spot. Thereafter, on the statement of Jeon Singh, a formal FIR No.153 dated 26.07.2007 was recorded in the police station, Patran, under Sections 304-A/279 IPC against respondent No.1 Pritam Singh. The deceased had lost his life, due to the rash, negligent and careless act of driving of respondent No.1. The future of the claimants was in dark and become a hell. Hence, the claimants being the dependents and legal heirs of the deceased claimed compensation of Rs.15,00,000/- along with interest @ 12% per annum.

COMPENSATION ASSESSED BY THE MACT

The deceased was working as conductor with the PRTC and his gross salary has been taken as per salary slip Ex.P-1 at Rs.5248/- after deduction towards tax and general funds. Rest of the amounts was not deducted from the salary of the deceased for calculation of compensation because they were in nature of savings. Contribution towards provident fund was added to the estate of the deceased and so his family should not be penalized for contribution towards provident fund. Thus, so, the actual income relevant for the purpose of determination was considered Rs.4543/- per month. After deduction of 1/3rd and applying the multiplier of 18, the compensation on this head was assessed at Rs.6,51,240/-. Rs.20,000/- were allowed to the claimants on account of loss of estate and funeral expenses. Thus, total compensation was assessed at Rs.6,71,240/- by the learned Tribunal with interest @ 7.5% per annum.

REASSESSED COMPENSATION

The fact of accident is admitted and proved. The deceased 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 Verma 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 is re-assessed as under:-

<i>Sr. No.</i>	<i>HEADS</i>	<i>CALCULATION</i>
1.	Income	Rs.4543/- per month
2.	50% of (i) added for future prospect (age of the deceased was 24 years)	[(Rs.4543/-) + (Rs.2272 round)=Rs.6815/-
3.	1/4 of (ii) deducted personal expenses of the deceased. (being dependents in number four)	[(Rs.6815/-)- (Rs.1704/-)] =Rs.5111/-
4.	Multiplier	Rs.5111/- X 12 X 18=Rs.11,03,976/-
5.	Loss of estate	Rs.1,00,000/-
6.	Loss of consortium	Rs.1,00,000/-
7.	Loss of love and affection of parents (Rs.50,000/- each)	Rs.1,00,000/-
8.	Loss of love and affection (minor child)	Rs.1,00,000/-
9.	Funeral Expenses	Rs.25,000/-
	TOTAL COMPENSATION AWARDED	Rs.15,28,976/-
	Enhanced amount of compensation	(Rs.15,28,976/-)- (Rs.6,71,240/-) =Rs.8,57,736/-

The enhanced amount of compensation of Rs.8,57,736/- 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.

(RITU BAHRI)
JUDGE

04.09.2015
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