

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1187 of 2011 (O/M)
Date of decision : 21.4.2015

Gurjinder Singh and others Appellants

Versus

Jaswant Singh @ Madhu and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harchand Singh Batth, Advocate, for the appellants.

Mr. Vinod Gupta, Advocate, for respondent No. 3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

This appeal has been filed by the claimants/appellants for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Tarn Taran (in short 'the Tribunal'), vide award dated 8.2.2010.

In this case, Sarabjit Kaur, a house wife, while travelling with her husband Gurjinder Singh and minor son Karanbir Singh on motorcycle bearing registration No. PB-46-E-3657, was hit by one Mahindra Scorpio bearing registration No. PB-10-BR-0770, being driven by Jaswant Singh @ Madhu (respondent No. 1 herein), while returning from village Chola Sahib to thier village Chaudharywala.

All the claimants suffered injuries in the said accident and were taken to Guru Nanak Dev Hosital, Amritsar. Sarabjit Kaur was due to her serious condition was later on shifted to Muni Lal Chopra Hospital, Amritsar, where she succumbed to injuries on 12.8.2007. FIR No. 104 dated 8.8.2007 under Sections 279, 304-A, 337, 338, 427 IPC was registered at Police Station Sarhali, District Amritsar (now District Tarn Taran).

The Tribunal awarded Rs. 85,000/- for the treatment. The age of the deceased was taken to be 32 years as per the post mortem report. The deceased was 12th standard pass. Her income was assessed to be Rs. 1,500/- per month and multiplier of 12 was applied and the compensation was calculated at Rs. 2,16,000/-.

Learned counsel for the claimants/appellants has argued that in this case though the deceased was a housewife, her notional income was to be taken as Rs. 3,000/- per month as per the Division Bench judgment of this Court in Paramjit Singh and another Versus Dilbagh Singh alias Bagga and others, 2014 (4) RCR (Civil) 895. There is no dispute with the said proposition of law. Thus, the notional income of the deceased is taken to be Rs. 3,000/- per month. The multiplier as per the age of the deceased is to be applied, which is 16 in this case and not 12, as applied by the Tribunal. Therefore, the amount of compensation comes to Rs. $3000 \times 12 \times 16 = \text{Rs. } 5,76,000/-$. Rs. 1 lac to the husband Gurjinder Singh for loss of consortium and another sum of Rs. 1 lac for loss of

love and affection and guidance to the minor children (to be equally shared) are allowed. Rs. 25,000/- for funeral expenses and Rs. 5,000/- for transportation of the injured from one hospital to the other are allowed. In this way, the total amount of compensation comes to Rs. Rs, 8,06,000/-. This will be in addition to the sum of Rs. 85,000/-, allowed by the Tribunal for treatment of the deceased during her admission in the hospital. The enhanced compensation shall be paid with interest @ 7.5% per annum from the date of filing of the claim petition till its realization. The insurance company is directed to deposit the amount within two months from today.

Appeal is accordingly allowed.

(KULDIP SINGH)
JUDGE

21.4.2015
sjks