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

**FAO No.2429 of 2011 (O&M)
Date of decision: 10.12.2015**

Sunita & others

....Appellants

Versus

Parveen and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Surender Saini, Advocate
for the appellants.

Mr. T.K. Joshi, Advocate
for respondent No.3.

RITU BAHRI J. (Oral)

CM-8218-CII-2011

For the reasons mentioned in the application,
delay of 399 days in filing the appeal is condoned.

C.M is allowed.

FAO-2429-2011

The appellants/claimants have come up in appeal
against the order dated 19.08.2009 passed by the Motor
Accident Claims Tribunal, Sonapat (hereinafter referred to as
'the Tribunal'), whereby the Tribunal has awarded a sum of
₹ 6,62,800/- to the appellants/claimants on account of the

death of Raj Singh @ Pappu.

FACTS NOT IN DISPUTE

Brief facts of the case are that deceased Raj Singh @ Pappu, deceased Jai Pal and their colleagues were scheduled to attend a wedding on April 30, 2007 at a place called Narela situated within the area of Delhi. They started on their journey from village Bhgodwal Majri of district Panipat in a car bearing Registration No.HR-42-A-2612 on that fateful day. The brothers of the deceased trailed their car on a motorcycle bearing registration No.HR-60-7196. Respondent Parveen was on the steering wheel of that car. He was very rash in the manner of driving. The driver of the car lost control of his vehicle in the vicinity of village Asawarpur Chowk at about 11.00 p.m. And the car fell in the pits. An ambulance arrived at the spot and shifted the injured to the hospital for treatment. However, the body of deceased Raj Singh @ Pappu was discovered lying in the bushes on the following morning of May 1, 2007 and was sent to the hospital for autopsy. Deceased Jai Pal was shifted to the hospital but he succumbed to the injuries on the following day of May 1, 2007. The mishap was allegedly the direct result of rash driving on the part of respondent Parveen, the driver of the car bearing registration No.HR-42-A-2612.

Consequently, the claimants-appellants filed a

claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

Respondents No.1 and 2 filed their joint written statement controverting the claim of the claimant-appellants.

After going through the evidence on record, the Tribunal found that the claim petition was partly accepted by the Tribunal and a sum of ₹ 6,62,800/- was awarded as compensation on account of death of Raj Singh @ Pappu along with future interest at the rate of 7.5% per annum from the date of filing of the petition till its realization.

The monthly income of the deceased was assessed at ₹ 5,000/- per month, out of which 1/3rd amount was deducted towards personal expenses. The dependency of claimants, thus, came to ₹ 3,400/- per month, which came to ₹ 40,800/- per annum. Raj Singh @ Pappu (deceased) was 32 years of age at the time of the accident/death and the multiplier of 16 was applied. Thus, the claimants were found entitled to compensation of ₹ 6,52,800/-. The Tribunal further awarded a sum of ₹ 5,000/- to the claimant-appellant No.1 Sunita towards the loss of consortium, a sum of ₹ 2,500/- for the loss of estate and further a sum of ₹ 2,500/- on performing last rites of the deceased. Hence, the claimants were found entitled to total compensation of ₹ 6,62,800/-.

Feeling dissatisfied with the impugned award, the claimants-appellants have preferred the present appeal.

REASSESSED COMPENSATION

Counsel for the claimants-appellants has referred to the deposition of PW-5 Anil Tyagi, Manager, SSA International Ltd., 67th Milestone village Bhodwal Majra, Samalkha (Panipat), who deposed that the deceased was working as a Senior Operator and used to earn a salary of ₹ 8880/- per month including all emoluments. Salary certificate Ex.P-3 was issued. He also stated that he was working in the company since 20.12.1999 and he brought the original attendance and salary register. In the cross-examination, this witness has stated that the deceased Raj Singh @ Pappu had studied upto 4th or 5th standard but he was an experienced man as far as his job was concerned.

A perusal of the deposition of PW-5 shows that he had been working in the company since 20.12.1999 and the date of accident was 30.04.2007. He had worked with the company at least 08 years and his salary certificate Ex.P-3 along with original attendance and salary register could not be doubted.

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 ***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, Gopali and others vs. New India Assurance Company Ltd., 2012 (12) SCC 198, 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	CALCULATIONS
(i)	Annual Income	₹ 8,000/- x 12 = ₹ 96,000/- per annum
(ii)	50% of (i) above to be added as future prospects (Age 32 years)	(₹96,000/-) + (₹48,000/-) = ₹ 1,44,000/-
(iii)	Dependency of the claimant after deducting 1/4 th of (ii) towards personal expenses of the deceased	(₹1,44,000/-)-(₹36,000/-) = ₹ 1,08,000/-
(iv)	Compensation after multiplier of 16 is applied	(₹ 1,08,000/- x 16) = ₹ 17,28,000/-
(v)	Loss of consortium	₹ 1,00,000/-
(vi)	Loss of estate	₹ 1,00,000/-
(vii)	Loss of love and affection for minor children	₹ 3,00,000/- (₹ 1,00,000/- each)
(viii)	Loss of love and affection to the mother	₹ 50,000/-

(ix)	Funeral expenses	₹ 25,000/-
(x)	TOTAL COMPENSATION AWARDED	₹ 23,03,000/-
(xi)	Enhanced amount of compensation	(₹ 23,03,000/- (₹ 6,62,800/-) = ₹ 16,40,200/-

The enhanced amount of compensation of ₹ 16,40,200/- 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

10.12.2015
yogesh