

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

**F.A.O No. 4890 of 2011**

**Date of decision:- 01.12.2015**

Bhateri and others ...Appellants  
Versus  
Sukbir and others ...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present:- Mr. Arun Yadav, Advocate, for the appellants.

Mr. Sanjeev Kodan, Advocate, for respondent No. 3

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

**RITU BAHRI J.**

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, (FTC) Rewari (for short, 'the Tribunal') to the tune of Rs. 6,90,000/-, vide impugned award dated 08.04.2011.

**FACTS NOT IN DISPUTE**

2. On 20.04.2010, Babu Lal (since deceased) was going from Pali to Dulera Bigopur and was accompanied by conductor Sandeep Kumar and when they reached near village Chgandpura on Rewari Narnaul road, another truck bearing registration No. HR-47-A-8232 came from the side of the Narnaul being driven by its driver in a high speed, dashed into the truck being driven by Babu Ram and as a result

of which he received multiple and grievous injuries and died at the spot. F.I.R No. 56 dated 20.04.2010 u/s 279/304-A/427 IPC has been registered in this regard.

3. The learned counsel for the appellants contends that the Tribunal has erred in awarding the compensation, in view of the judgment of '**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**', **Asha Verman and others vs. Maharaj Singh and others, 2015(2) RCR (Civil) 520 and Kalpanaraj and others v. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil) 193.**

4. On the other hand, learned counsel for the respondent-Insurance Company have vehemently opposed the present appeal.

5. I have heard learned counsel for the parties and gone through the record.

6. The learned Tribunal while granting the compensation to the appellants had assessed the income of the deceased at Rs.5000/- per annum, in view of the deposition of the owner of the truck i.e Rajbir, who stated that the deceased was employed as driver on his truck and he used to pay him Rs.8000 per month as salary besides

daily incentives. Thereafter, cut of 1/4<sup>th</sup> was applied and the annual loss of dependency comes to Rs.45,000/- and thereafter multiplier of 15 was applied and Rs.10,000/- was awarded towards loss of consortium and Rs. 5000/- on account of funeral expenses. The total compensation of Rs.6,90,000/- was given to the appellants.

7. In the instant case, the deceased was 31 years of age at the time of the accident and was working as driver. The accident in question is not in dispute and the offending vehicle was fully insured with the Insurance Company.

8. In view of the above mentioned judgments, the compensation is re-assessed as under:-

| <b>Sr. No.</b> | <b>Heads</b>                                               | <b>Calculations</b>                              |
|----------------|------------------------------------------------------------|--------------------------------------------------|
| (i)            | Salary                                                     | Rs.60000/- per annum                             |
| (ii)           | 50% of (i) above to be added as future prospects=          | Rs.60000+Rs.30000=Rs.90,000/- per annum          |
| (iii)          | 1/4 of (ii) deducted as personal expenses of the deceased= | Rs.90000-Rs.22500=Rs.67500/- per annum           |
| (iv)           | Compensation after multiplier of 16 is applied             | Rs.67500X 16= Rs.10,80,000/-                     |
| (v)            | Loss of consortium to wife                                 | Rs.1,00,000/-                                    |
| (v)            | Loss of estate                                             | Rs.1,00,000/-                                    |
| (vi)           | For love and affection to three children                   | Rs.3,00,000/- (Rs. 1 lac each to three children) |
| (vii)          | For love and affection to mother                           | Rs.50,000/-                                      |
| (vii)          | Funeral charges                                            | Rs.25,000/-                                      |
|                | Total Compensation awarded                                 | Rs.16,55,000/-                                   |
|                | Enhanced amount of compensation                            | Rs.16,55,000-Rs.6,90,000=Rs.9,65,000/-           |

9. The enhanced amount of compensation of Rs.9,65,000/- shall be payable within a period of forty five days 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 a 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.

10. Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

December 01, 2015

G Arora

( ***RITU BAHRI*** )  
***JUDGE***<sub>1</sub>