

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

F.A.O No. 3921 of 2012

Date of decision:- 17.08.2015

Sudesh and others

...Appellants

Versus

Kamaljit Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. Jaspal Singh, Advocate
for respondent No. 1 and 2

Mr. Vinod Gupta, 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, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, (FTC) Karnal (for short, 'the Tribunal') to the tune of Rs. 6,54,000/- along with interest @ 6 per cent from the date of filing of the petition till the amount is deposited in the Court, vide impugned award dated 04.04.2012.

2. On 20.03.2011, complainant-Sumer Chand was going on his

motorcycle from his village Jhinwarheri to Gharaunda. Ahead of him, a tavera car bearing registration No. PB-0101371 was going at a very high speed and on reaching near Rainbow Restaurant, Gharaunda, this car hit a young boy namely Sukhdev, as a result of which the accident in question took place and Sukhdev received multiple and grievous injuries on various parts of his body. The driver of the offending vehicle ran away from the spot. F.I.R No. 94 dated 22.03.2011 u/s 279/304-A 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.**

3. Nothing has been provided towards the future prospects of the deceased.

4. On the other hand, the 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. In the instant case, the deceased was 27 years of age at the time of the accident. The deceased was employed as a Supervisor in Centinel Bharti, Sector 16-A, Part-I Faridabad on a monthly salary of Rs.10,000/-, his monthly income has been assessed at Rs.4200/- per month, as Arvind Kumar Singh, P.A., Sentinel Security Services deposed that the basic salary of the deceased was Rs.4740/- and for the last 18 working days, he was given Rs.4368/-.

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

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.4200/- per month
(ii)	50% of (i) above to be added as future prospects=	Rs.4200+Rs.2100=Rs.6,300/- per month
(iii)	1/4 of (ii) deducted as personal expenses of the deceased=	Rs.6300-Rs.1575=Rs4725/- per month
(iv)	Compensation after multiplier of 17 is applied	Rs.4725 X 12 X 17= Rs.9,63,900/-
(v)	Loss of consortium to wife	Rs.1,00,000/-
(v)	Loss of estate	Rs.1,00,000/-
(vi)	For love and affection to minor children	Rs.1,00,000/- each to two minor children
(vii)	Funeral charges	Rs.25,000/-
	Total Compensation awarded	Rs.13,88,900/-
	Enhanced amount of compensation	Rs.13,88,900-Rs.6,54,000=Rs.7,34,900/-

8. The enhanced amount of compensation of Rs.7,34,900/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellants shall also get interest @ 9% per annum on the enhanced compensation amount w.e.f 21.05.1990. The remaining conditions of disbursal of amount shall remain unaltered.

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

August 17, 2015

G Arora

(**RITU BAHRI**)

JUDGE¹.