

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

**FAO No. 4426 of 2012
Date of decision: 18.09.2015**

Asha Rani and others ..Appellants

Versus

Harpreet Singh and others ..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. G.P. Vashisth, Advocate for the appellants.
None for respondent No. 1.
Mr. D.P. Gupta, Advocate for respondent No. 2.
Mr. Rajbir Singh, Advocate
for respondent No. 3.

RITU BAHRI, J.

The claimants/appellants have come up in appeal against the award of the Motor Accidents Claims Tribunal, Ludhiana (hereinafter referred to as “the Tribunal”) dated 3.4.2012, whereby they have been awarded compensation on account of death of Raj Kumar in a motor vehicular accident which took place on 21.3.2009.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 21.3.2009 at about 5:45 p.m., claimant/appellant No. 1, Asha Rani, wife of Raj Kumar (deceased) was going to get on the bus, while they were

crossing the road in front of the Miyaji Darbar, suddenly an Indo Canadian Bus bearing registration No. PB-01-5081 being driven by respondent No. 1-Harpreet Singh owned by Raju Travels, Jalandhar-respondent No. 2, came from the wrong side of the road, in a rash and negligent manner, without blowing the horn, struck against Raj Kumar (deceased). As a result of which, Raj Kumar(deceased) received multiple serious injuries including other parts of the body on his person. He was got admitted in the Arora Neuro Centre, Ludhiana. He was died on 25.3.2009 at Arora Neuro Centre, Ludhiana. In this regard, on the statement of claimant/appellant No. 1 Asha Rani, wife of Raj Kumar (deceased), FIR No. 45, dated 24.3.2009, under Sections 279/337 IPC and later on added offence under Section 304A IPC, was got registered at Police Station Philaur, District Jalandhar in respect of the accident in question. Consequently, the claimants/appellants filed a claim petition before the Tribunal.

Photocopies of the FIR and post mortem are (Ex.P1) and (Ex.P2).

PW-2 Navin Soni partner of M/s Primo Packwell Industt. Philaur with which firm the deceased Raj Kumar was employed, proved on record the salary certificate of deceased Raj Kumar. No evidence was dealt with with regard to qualification no letter of appointment placed on record. His compensation has been assessed as under:-

COMPENSATION ASSESSED BY MACT

The monthly income of the deceased comes out ₹36,000/-. Taking that he used to spend 1/3rd for himself annual dependency comes out to be ₹ 36,000/- ₹12,000= ₹24,000 per annum. He was 40 years old. In this case, multiplier of 15 is sufficient to calculate the compensation. The claimants are entitled to compensation to the tune of ₹ 24,000x15= ₹ 3,60,000/- and apart from this the claimants have also spent about ₹1,31,190/- on the treatment of deceased Raj Kumar and total compensation comes out to ₹ 3,60,000+1,31,190+4,91,190/-. The claimants are also entitled to recover the following amounts:-

1.Funeral expenses:	₹5,000/-
2.Consortium :	₹5,000/-
Total :	₹10,000/-

Thus, claimants are entitled to
₹4,91,190+10,000/-= ₹ 5,01,190/-

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

REASSESSED COMPENSATION

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 & others Vs. Maharaj Singh & others, 2015 (2) RCR (Civil) 520, Sarla Verma & others Vs. Delhi Transport Corporation & another, 2009 (3) RCR (Civil) Page 77, Rajesh & others Vs. Rajbir Singh & others, 2013 (9) SCC 54 and Munna Lal Jain & another Vs. Vipin Kumar Sharma & others, 2015 (3) Recent Apex Judgments 459*. As per Government of Punjab minimum rates of wages in the State of Punjab took place on 1.3.2009 as per wages of State of Punjab salary of the deceased is Rs. 3300/-. Accordingly, the compensation reassessed as under:-

S. No.	Heads	Calculation
1	Annual Income	₹ 3300/-x12=₹39,600/-
2	30% of (i) above to be added as future prospects (Age 40 years)	(₹ 39,600/-) +(Rs. 11,880/-)= ₹ 51,480/-
3	1/3 rd of (ii) deducted towards personal expenses of the deceased.	₹51,480-17,160= ₹ 34,320/-
4	Compensation after multiplier of 15 is applied	₹34,320x15= ₹5,14,800/-
5	Loss of estate	₹1,00,000/-
6	Loss of Consortium	₹ 1,00,000/-
7	Loss of love and affect to the children	₹ 2,00,000/- (₹ 1,00,000/- to each child)
8	Funeral expenses	₹25,000/-
9	Total compensation awarded	₹ 9,39,800/-
10	Enhanced amount of compensation	₹ 9,39,800-5,01,190= ₹ 4,38,610/-

The enhanced amount of compensation of ₹4,38,610/- 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 Supreme Court in the case of **Kumari Kiran through her father Harinarayan Vs. Sajjan Singh & 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.

September 18, 2015

Poonam (II)

(RITU BAHRI)
JUDGE