

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

FAO No. 1569 of 2013

Date of decision:- 04.09.2015

Manjeet Devi and others

...Appellants

Versus

Jagbir and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Ashwani Bakshi, Advocate
for the appellants

Mr. N.C. Kinra, Advocate
for respondent No. 1 and 2

Mr. Vishal Aggarwal, 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. (Oral)

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 08.01.2013 passed by the learned Motor Accident Claims Tribunal, Rohtak (for short, 'the Tribunal') to the tune of Rs.3,02,000/-.

FACTS NOT IN DISPUTE

2. On 22.05.2012, Santosh (since deceased) was coming from Quilla Road, Rohtak after purchasing some articles and when she reached near Book Stall of Hukum Chand, a three wheeler bearing registration No. HR46C-6711 driven by respondent No. 1 in a rash and negligent manner struck into the deceased and due to that, she came in between three wheeler and a pole standing on the road. She was got shifted to PGIMS,

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Rohtak where she was declared dead. A criminal case under Sections 279/304-A IPC was registered against respondent No. 1.

3. The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "***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, the learned counsel for the respondent-Insurance Company have vehemently opposed the present appeal.

6. I have heard learned counsel for the parties and perused the record.

COMPENSATION ASSESSED BY MACT

Sr. No.	Heads	Calculations
(i)	Salary	Rs.3000/- per month
(ii)	1/4 th of (i) deducted as personal expenses of the deceased=	Rs.3000-Rs.750=Rs.2250 per month
(iii)	Annual Dependency	Rs.2250X12=Rs.27000/-
(iv)	Compensation after multiplier of 11 is applied	Rs.27000X11= Rs.2,97,000/-
(v)	Funeral charges	Rs.5,000/-
(viii)	Total Compensation awarded	3,02,000/-

RE-ASSESSED COMPENSATION

7. It is not in dispute that the offending vehicle was fully insured from the Insurance company. Ex.R1 is the photocopy of the driving licence possessed by the driver at the time of the accident. Its genuineness is also not under challenge.

8. Keeping in view the minimum wages prescribed by State of Haryana in the year 2012 and following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgments, the compensation has to be re-assessed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.4900/- per month
(ii)	15% of (i) above to be added as future prospects=	Rs.4900+Rs.735=Rs.5,635 per month
(iii)	1/4 th of (ii) deducted as personal expenses of the deceased=	Rs.5635-Rs.1408=Rs.4227 per month
(iv)	Compensation after multiplier of 11 is applied	Rs.4227 X 12 X 11= Rs.5,57,964/-
(v)	Loss of estate	Rs.1,00,000/-
(vi)	Loss of consortium	Rs.1,00,000/-
(viii)	Loss of love and affection to daughter-in-law and two grand daughters	Rs.50,000/- each
(vii)	Funeral charges	Rs.25,000/-
(viii)	Total Compensation awarded	9,32,964/-
	Enhanced amount of compensation	Rs.9,32,964-Rs.3,02,000=Rs.6,30,964/-

9. Resultantly, the enhanced amount of compensation of Rs.6,30,964 /- 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. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

September 04, 2015

G Arora

(***RITU BAHRI***)
JUDGE