

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

**FAO No.3022 of 2013
Date of decision : 03.09.2015**

Smt. Bhoti Devi & others

...Appellants

versus

Sunil Kumar & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Kanwardeep Singh, Advocate for the appellants.

Ms. Rohini Bedi, Advocate for

Mr. Vishal Goel, Advocate for respondent No.3.

RITU BAHRI, J (Oral)

The appellants/claimants have come up in appeal against the award of the Motor Accidents Claims Tribunal, Karnal (hereinafter referred to as “the Tribunal”) dated 16.01.2013, whereby they have been awarded a compensation of Rs.4,10,000/- on account of death of Rajesh Kumar, who died in a road accident which took place on 02.09.2010.

Facts not in dispute are that on 02.09.2010, Shakti Singh alongwith the deceased Rajesh Kumar, Roop Singh son of Ajit Singh and Balwan Singh son of Ajit Singh was travelling in Maruti Car No.HR-70-2807 make Zen. The said vehicle was being driven by Shakti Singh at a very moderate speed on the left side of the road. They were coming from Indri towards village Chorpura via village Chaura, a truck No.HR-69-A0885 came being driven by respondent No.1 at a very fast speed and in a rash and negligent and careless

manner. The driver of the truck brought the truck on the wrong side of the road and hit against their car. All the occupants of the car sustained multiple, grievous and serious injuries and the deceased Rajesh and Balwan could not survive and succumbed to the injuries at the spot. An FIR No.282 dated 02.09.2010 under Sections 279, 337 and 307-A IPC was registered in this regard.

On account of death of Rajesh Kumar, claimants filed claim petition under Section 166 of the Motor Vehicles Act, 1988, which was accepted by the Tribunal and a sum of Rs.4,10,000/- was awarded as compensation, after assessing the income of the deceased Rajesh Kumar as Rs.5,000/- per month and annual at Rs.60,000/- as he was doing the dairy business. 50% deduction has been made towards personal expenses as he was a bachelor. Thus, the dependency of the mother came to Rs.30,000/- per annum. Multiplier of 13 has been applied and a sum of Rs.3,90,000/- (Rs.30,000/- x 13) was awarded as compensation. Rs.20,000/- were also awarded as transportation and funeral expenses. Therefore, a total sum of Rs.4,10,000/- was awarded to appellant No.1/claimant No.1, being the mother of the deceased.

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

I have heard counsel for the parties and perused the case file.

The fact of accident is admitted and proved. The deceased 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 & ors. Vs. Maharaj Singh & ors., 2015 (2) RCR (Civil) 520, Sarla Verma & ors. Vs. Delhi Transport Corporation & anr., 2009 (3) RCR (Civil) Page 77, Rajesh & ors. Vs. Rajbir Singh & ors., 2013 (9) SCC 54 and Munna Lal Jain & anr. Vs. Vipin Kumar Sharma & ors., 2015 (3) Recent Apex Judgments 459. Accordingly, the compensation is reassessed as under:-

Sr. No.	Heads	Calculation
(i)	Income	Rs.5,000/- per month
(ii)	Annual Income	Rs.5,000/- x 12 = Rs.60,000/- per annum
(iii)	50% of (ii) added for future prospects	(Rs.60,000/-) + (Rs.30,000/-) = Rs.90,000/-
(iv)	1/2 nd of (iii) deducted towards personal expenses of the deceased	(Rs.90,000/-) – (Rs.45,000/-) = Rs.45,000/-
(v)	Compensation after multiplier of 15 is applied	(Rs.45,000/- x 15) = Rs.6,75,000/-
(vi)	Loss of estate	Rs.1,00,000/-
(vii)	Loss of love and affection to the mother	Rs.50,000/-
(viii)	Funeral expenses	Rs.25,000/-
(ix)	Total Compensation awarded	Rs.8,50,000/-
(x)	Enhanced amount of compensation	(Rs.8,50,000/-) - (Rs.4,10,000/-) = Rs.4,40,000/-

The enhanced amount of compensation of **Rs.4,40,000/-** 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 realisation, in view of the judgment of Hon'ble Supreme Court in the case of Kumari Kiran through her father Harinarayan Vs. Sajjan Singh & ors., 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.

03.09.2015
Vinay

(RITU BAHRI)
JUDGE