

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

F.A.O No. 2003 of 2014 (O&M)

Date of decision:- 16.11.2015

Charanjit Kaur & anr.

...Appellants

Versus

Tarsem Singh and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Harjit Singh, Advocate for
Mr. J.S Khiva, Advocate
for the appellant

Mr. Rajesh Verma, Advocate
for respondent No. 2

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

RITU BAHRI J. (Oral)

C.M. No. 7235-CII of 2014

For the reasons mentioned in the application, delay of 28
days in filing of the present appeal is condoned.

The application stands disposed of accordingly.

F.A.O No. 2003 of 2014

1. The present appeal has been preferred by the claimant-

appellant (for short 'the appellant'), against award dated 19.07.2013 passed by the learned Motor Accident Claims Tribunal, Mansa (for short, 'the Tribunal') to the tune of Rs.3,49,000/-.

FACTS NOT IN DISPUTE

2. On 07.08.2005, Inderjit Singh (since deceased) was going on his motorcycle bearing NO. PB-03-G-9293 from Jawaherke Road, Mansa to bus Stand Mansa. His father Sukhvir Singh Sethi and Gursewak Singh were also coming on Bolero behind him. When they reached near old octroi post, a maruti car NO. PB-10-X-8085, being driven by respondent No. 1 came in a rash and negligent manner and struck against the motorcycle of the deceased. The deceased Inderjit Singh received multiple and grievous injuries and was thus taken to Civil Hospital, Mansa from where he was referred to DMC, Ludhiana but he succumbed to his injuries on 09.08.2005. F.I.R No. 152 dated 09.08.2005 under Section 304-A IPC was registered in this regard 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 has vehemently opposed the present appeal.

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

COMPENSATION ASSESSED BY MACT

6. The learned tribunal took the income of the deceased (18 years old) at Rs.3000/- as the claimant has failed to produce any documentary evidence that the deceased was earning and his annual dependency comes to Rs.36000/- and 50% was deducted towards personal expenses and the amount comes to Rs.18000/-. The multiplier of 18 was applied and Rs.5000/- was awarded towards funeral expenses and Rs. 5000/- on account of loss of estate. Further Rs.15000/- were awarded for the treatment of Inderjit Singh. The total compensation of Rs.3,49,000/- was awarded to the claimants.

RE-ASSESSED COMPENSATION

7. It is not in dispute that the offending vehicle was fully

insured with the Insurance company.

8. 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:-

Sr. No.	Heads	Calculations
(i)	Salary	Rs.3000/- per month
(ii)	50% of (i) above to be added as future prospects=	Rs.3000+Rs.1500=Rs.4500/- per month
(iii)	1/2 of (ii) deducted as personal expenses of the deceased=	Rs.4500-Rs.2250=Rs.2250 per month
(iv)	Compensation after multiplier of 18 is applied	Rs.2250 X 12 X 18= Rs.4,86,000/-
(vi)	Loss of love and affection to parents	Rs.1,00,000/- (Rs.50,000/- each)
(vii)	Funeral charges	Rs.25,000/-
(viii)	Total Compensation awarded	Rs.6,11,000/-
	Enhanced amount of compensation	Rs.6,11,000-Rs.3,49,000=Rs.2,62,000/-

9. Resultantly, the enhanced amount of compensation of Rs.2,62,000/- 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. With the aforesaid modification in the impugned award,
the appeal is allowed to the above extent.

16.11.2015

G Arora

(RITU BAHRI)

JUDGE