

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

**CM No. 15944-CII of 2013 in/and
FAO No. 3943 of 2013**

Date of decision: 18.09.2015

Ramesh Kumar and Others

..Appellants

Versus

Mahesh Kumar and Others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Kumar Yadav, Advocate
for the appellants.

Mr. P.S. Bedi, Advocate
for respondent No. 3.

RITU BAHRI, J.
CM No. 15944-CII of 2013

For the reasons mentioned in the application,
the same is allowed and the delay of 66 days in filing the appeal
is condoned.

CM stands allowed accordingly.

FAO No. 3943 of 2013

The appellants/claimants have come up in
appeal against the award of the Motor Accidents Claims
Tribunal, Narnaul (hereinafter referred to as "the Tribunal")
dated 29.11.2012 whereby they have been awarded
compensation on account of death of Savitri Devi in a vehicular
accident, which took place on 30.10.2011.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 30.10.2011 at about 4:00 p.m., Savitri Devi(deceased) was going to meet her sister-in-law(Nanad), at village Khudana, along with her husband, Ramesh Kumar, claimant/appellant No. 1 on motor cycle bearing registration No. HR-35B-6139 which was being driven by claimant/appellant No. 1 at a normal speed. As they reached near village Nangal Sirohi, in the meantime, one tralla bearing registration No. HR-47-A-5953, being driven by respondent No. 1-Mahesh Kumar owned by Banwari-respondent No. 2, came at a high speed, in a rash and negligent manner and hit the motor cycle. The deceased-Savitri Devi being pillion rider and her husband fell down on the road. The deceased received multiple serious injuries. She was taken to hospital but was declared dead in the hospital. In this regard, on the statement of claimant/appellant No. 1-Ramesh Kumar-husband of Savitri Devi (deceased), FIR No. 459, dated 30.10.2011, under Sections 279, 304-A, IPC, Police Station, Mahendergarh in which charge has been framed under Sections 279, 304-A, charge sheet (Ex.PW1/B), report under Section 173 Cr.P.C. (Ex.PW1/C) and post mortem report of Savtri Devi(deceased) as (Ex.PW1/D) in respect of the accident in question. Consequently, the claimants/appellants filed a claim petition before the Tribunal.

COMPENSATION WAS ASSESSED BY MACT

On account of death of Savitri Devi, claimant/appellant

No. 1 filed claim petition under Section 166 of Motor Vehicle Act,

1988, which was partly allowed by the Tribunal and a sum of ₹ 7,10,400/- was awarded as compensation on account of death of Savitri Devi. At the time of death, the deceased-Savitri Devi was 25 years old. The multiplier of 15 is to be adopted as per age of the deceased and after applying multiplier of 15, compensation comes to ₹ 6,80,400/-. The petitioners also awarded an amount of ₹ 20,000/- on account of transportation and last rites of the deceased. They also awarded an amount of ₹ 10,000/- on account of consortium.

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 and others vs. Maharaj Singh and others, 2015(2) RCR (Civil) 520, 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 and Division Bench judgment Paramjit Singh Vs. Dilbagh Singh 2014(4) RCR(Civil)895.**

Accordingly, the compensation re-assessed as under:-

SR. NO.	HEADS	CALCULATIONS
(i)	Annual Income	₹ 50,400/-
(ii)	Compensation after multiplier of 18 is applied	(₹50,400×18)= ₹ 9,07,200/-
(iii)	Loss of consortium	₹ 1,00,000/-
(iv)	Loss of estate	₹1,00,000
(v)	Loss of love and affection to two minor children	₹2,00,000/-(₹1,00,000/- each)
(viii)	Loss of love and affection to mother-in-law	₹ 50,000/-
(ix)	Funeral expenses	₹25,000/-
(x)	TOTAL COMPENSATION AWARDED	₹ 13,82,200/-
(xi)	Enhanced amount of compensation	(₹13,82,200-7,10,400/- =6,71,800/-)

The enhanced amount of compensation of ₹ 6,71,800/- 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.

September 18, 2015
Poonam (II)

(RITU BAHRI)
JUDGE