

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

F.A.O No. 3990 of 2013

Date of decision:- 17.12.2015

Naresh Singh and another

...Appellants

Versus

Sujan Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. S.S. Virk, Advocate
for the appellants

Mr. Vinod Gupta, 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)

C.M. No. 16146-CII of 2013

For the reasons mentioned in the application, delay of 32 days in filing of the present appeal is condoned.

The application stands disposed of accordingly.

F.A.O No 3990 of 2013

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 11.03.2013

passed by the learned Motor Accident Claims Tribunal, Panchkula (for short, 'the Tribunal') to the tune of Rs.2,84,000/-.

FACTS NOT IN DISPUTE

2. Ganga Devi (since deceased) was doing dairy framing and helping her sons in plantation of Mushroom crop. On 18.05.2010, she boarded a bus, being driven by respondent No. 1 but on the way she came to know that she had boarded a wrong bus and requested respondent No. 1 to stop bus, who stopped the bus but without ascertaining that Ganga had alighted, respondent No. 2 whistled and the driver started the bus, due to which the deceased fell down on the road and died at the spot. F.I.R was registered in this regard by Rattan Singh-nephew of deceased.

3. The learned Tribunal took the salary of the deceased as Rs.4000/- per month and deducted half of the amount, which she would have contributed to her family and applied the multiplier of 11 (24000X11). Further awarded an amount of Rs.10,000/- towards loss of estate and Rs.10,000/- towards funeral expenses. The total compensation of Rs.2,84,000/- was awarded to the claimants.

4. 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.

5. On the other hand, the learned counsel for the respondent has vehemently opposed the present appeal.

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

RE-ASSESSED COMPENSATION

7. It is not in dispute that the offending vehicle was fully insured with the Insurance company.

8. Reference at this stage can further be made to a division Bench judgment of this Court in a case of **Pararmjit Singh and another vs. Dilbagh Singh alias Bagga and others, 2014(4) R.C.R (Civil) 895** wherein this Court had taken the monthly salary of a wife at Rs.3000/- per and no cut was imposed and applied the multiplier of 14.

9. In the present case, the salary of the deceased is rightly

taken at Rs.4000/- per month, however, no cut was to be imposed as per the above mentioned judgment.

10. Keeping in view 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.4000/- per month
(ii)	Compensation after multiplier of 11 is applied	Rs.4000 X 12 X 11= Rs.5,28,000/-
(iii)	Loss of love and affection to two children	Rs.2 lacs (Rs. 1,00,000/- to each child)
(iv)	Funeral charges	Rs.25,000/-
	Total Compensation awarded	7,53,000/-
	Enhanced amount of compensation	Rs.7,53,000-Rs.2,84,000=Rs.4,69,000/-

11. Resultantly, the enhanced amount of compensation of Rs.4,69,000/- 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.

12. With the aforesaid modification in the impugned award

the appeal is allowed to the above extent.

17.12.2015

G Arora

(RITU BAHRI)
JUDGE