

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

F.A.O No. 5872 of 2013

Date of decision:- 19.11.2015

Anju Devi and others

...Appellants

Versus

Surender and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Ajay Vijarania, Advocate
for the appellants.

Mr. S.K. Chauhan, Advocate for
Mr. Anil Kumar Gahlawat, Advocate
for respondent No. 1, 2, 4 and 5.

Mr. Suvir Dewan, Advocate, for respondent No. 3

Mr. Rajnish Malhotra, Advocate, for respondent No. 6

RITU BAHRI J. (Oral)

C.M. No. 24313-14 of 2014

For the reasons mentioned in the application, delay of 111
days in filing and 14 days in re-filing of the present appeal is
condoned.

The applications stand disposed of accordingly.

F.A.O No. 5872 of 2013

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Bhiwani (for short, 'the Tribunal') to the tune of Rs. 7,54,400/-, vide impugned award dated 14.12.2012.

FACTS NOT IN DISPUTE

2. On 27.10.2008, Joginder Singh along with Bahadur Singh, Dalbir, Surneder Kumar, Sajjan Singh were coming to village Garanpura, from Hissar Military Canteen in a car bearing registration No. DL-03-CF-6371 being driven by Shamsheer and when they reached near Subhash Stone Crusher, Khanak, a dumper bearing registration No. HR-37-B-9322 being driven by respondent No. 1 in a rash and negligent manner in a high speed came from Tosham side and hit their car. After that a TATA vehicle bearing registration No. HR-61-2347 being driven by respondent No. 7 hit their car. Due to this accident, all the occupants of the car received injuries on vital parts of the body. Shamsheer Singh and Bahadur Singh succumbed to their injuries.

3. The learned counsel for the appellants contends that the Tribunal has erred in awarding the compensation to the present appellants, in view of the judgment of '**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.

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

6. The learned Tribunal while granting the compensation to the appellants had assessed the income of the deceased at Rs.4800/- per month and 1/4rd was deducted as personal expenses and the dependency comes to Rs.3600/- and the annual dependency comes to Rs.43,200/- and applied the multiplier of 17 and the amount comes to Rs.7,34,400/- and Rs.20,000 was awarded towards loss of consortium, loss of estate, funeral expenses.

7. In the instant case, the deceased was 29 years of age at the time of the accident. The deceased was the only bread earner of the family and was working as a driver. The accident in question is not in

dispute and the offending vehicle was fully insured with the Insurance Company.

8. In view of the above mentioned judgments, the compensation is re-assessed as under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.4800X12= Rs.57,600/-per annum
(ii)	50% of (i) above to be added as future prospects=	Rs.57600+Rs.28800=Rs.86,400/- per annum
(iii)	1/4 th of (ii) deducted as personal expenses of the deceased=	Rs.86400-Rs.21600=Rs.64800/- per annum
(iv)	Compensation after multiplier of 17 is applied	Rs.64800X 17= Rs.11,01,600/-
(v)	Loss of consortium to wife	Rs.1,00,000/-
(v)	Loss of estate	Rs.1,00,000/-
(vi)	For love and affection to two children	Rs.2,00,000/- (Rs. 1 lac each to two children)
(vii)	For love and affection to parents	Rs.1,00,000/- (Rs.50,000 each to parents)
(vii)	Funeral charges	Rs.25,000/-
	Total Compensation awarded	Rs.16,26,600/-
	Enhanced amount of compensation	Rs.16,26,600-Rs.7,54,400=Rs.8,72,200/- rounded of to Rs.8,72,000/-

9. The enhanced amount of compensation of Rs.8,72,000/- 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. Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

November 19, 2015
G Arora

(**RITU BAHRI**)
JUDGE¹