

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

**FAO No.5962 of 2013  
Date of decision: 02.11.2015**

Bhupinder Kaur and another

....Appellants

Versus

Pepsu Road Transport Corporation and another

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: None for the appellants.

Mr. Kuldeep Joshi, Advocate  
for Mr. Harsh Aggarwal, Advocate  
for the respondent No.1.

**RITU BAHRI J. (Oral)**

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal') vide award dated 30.11.2012, on account of death of Sonu @ Harpreet Singh in a motor vehicular accident.

**FACTS NOT IN DISPUTE**

Brief facts of the case are that on 25.11.2010 Sonu alias Harpreet Singh-deceased had gone to Railway Station, Rajpura for dropping his cousin Titu on the scooter of Titu. When the deceased was coming back and reached near Punjab National

Bank, Rajpura Town, at about 7.30 a.m., then one PRTC bus bearing registration No.PB-11H-9861 came from behind, being driven by its driver Balwinder Singh in rash and negligent manner and struck against the scooter of the deceased, as a result of which he fell down on the metalled road and his left leg was ran over by tyre of the said vehicle. The deceased also received multiple injuries on his body. The accident took place due to rash and negligent driving of the said vehicle by Balwinder Singh. The deceased was taken to A.P. Jain Hospital, Rajpura for treatment, where he suffered statement to Police and after that on 30.11.2010, the deceased was referred to Government Medical College and Hospital, Sector 32, Chandigarh and got admitted there but he succumbed to his injuries on 01.12.2010.

In this regard, FIR (Ex. P-1), in respect of the accident in question was got registered at Police Station City Rajpura.

Consequently, the claimants-appellants filed a claim petition before the Tribunal.

### **COMPENSATION ASSESSED BY THE MACT**

Before the Tribunal, Mandeep Singh @ Bhura (eye-witness) appeared as PW-1 to prove the accident in question. Gurcharan Singh appeared as PW-2 and tendered his duly sworn affidavit as Ex.PW2. The claimants have also tendered in evidence the copy of FIR Ex.P-1, certified copy of death report of deceased Ex.P-2, certified copy of charge-sheet Ex.P-3, certified copy of

report under Section 173 Cr.P.C. against respondent No.2 Ex.P-4.

The Tribunal has returned the finding on Issue No.1 in favour of the claimants-appellants.

The claim petition was partly accepted by the Tribunal and a sum of Rs.3,42,000/- was awarded as compensation on account of death of Sonu @ Harpreet Singh along with future interest at the rate of 7% per annum from the date of filing of the petition till its realization.

The monthly income of the deceased as daily wager was assessed at Rs.4,000/- per month, out of which 50% amount was deducted towards personal expenses. The dependency of the claimants, thus, came to Rs.2,000/- per month, which came to Rs.24,000/- per annum. The multiplier of 13 was applied and thus, the claimants were found entitled to compensation of Rs.3,12,000/-. In addition to it, further compensation of Rs.10,000/- was awarded towards funeral expenses and Rs.20,000/- was awarded towards mental agony. Hence, the claimants were found entitled to total compensation of Rs.3,42,000/-.

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

### **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. Accordingly, the compensation re-assessed as under:-

| SR. NO. | HEADS                                                                                            | CALCULATIONS                                                |
|---------|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (i)     | Annual Income                                                                                    | Rs.48,000/-                                                 |
| (ii)    | 50% of (i) above to be added as future prospects                                                 | (Rs.48,000/-) + (Rs.24,000/-)<br>= Rs.72,000/-              |
| (iii)   | Dependency of the claimant after deducting 50% of (ii) towards personal expenses of the deceased | (Rs.72,000/-) - (Rs.36,000/-)<br>= Rs.36,000/-              |
| (iv)    | Compensation after multiplier of 18                                                              | (Rs.36,000/- x 18)<br>=Rs.6,48,000/-                        |
| (v)     | Loss of love and affection to parents of the deceased                                            | Rs.1,00,000/- (Rs.50,000/- each)                            |
| (vi)    | Funeral expenses                                                                                 | Rs.25,000/-                                                 |
| (vii)   | <b>TOTAL COMPENSATION AWARDED</b>                                                                | <b>Rs.7,73,000/-</b>                                        |
| (viii)  | <b>Enhanced amount of compensation</b>                                                           | <b>(Rs.7,73,000/-) – (Rs.3,42,000/-)<br/>=Rs.4,31,000/-</b> |

The enhanced amount of compensation of **Rs.4,31,000/-** 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 realization, in view of the judgment of Hon'ble the Supreme Court in the 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.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

**(RITU BAHRI)**  
**JUDGE**

**02.11.2015**

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