

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

F.A.O No. 6286 of 2013 (O&M)

Date of decision:- 16.11.2015

Paramjit Kaur & anr.

...Appellants

Versus

Mintu and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms. Priya, Advocate for
Mr. Sandeep Bansal, Advocate
for the appellants

Ms. Charu Sharma, 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. Nos. 25841-42-CII of 2013

For the reasons mentioned in the application, delay of 03 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. 6286 of 2013

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellant'), against award dated 21.03.2013

GAURAV ARORA
2015.12.11 14:12
I attest to the accuracy and
integrity of this document

passed by the learned Motor Accident Claims Tribunal (Adhoc) Fast Track Court, Hoshiarpur (for short, 'the Tribunal') to the tune of Rs.3,74,000/-.

FACTS NOT IN DISPUTE

2. On 13.09.2010, Harpal Singh (since deceased) on his motorcycle and Jatinder Singh on his scooter were going to village Saleran from Hoshiarpur. The motor cycle of Harpal Singh was about 40 yards ahead of Jatinder Singh and when they reached near petrol pump of Banjar Bagh, an oil tanker bearing No. PB-10-CL-0174 Indian Oil, came at a high speeds from the Chohal side, being driven by respondent No. 1, in a rash and negligent manner and struck against the motorcycle of the deceased. The deceased received multiple and grievous injuries and was taken to Civil Hospital, Hoshiarpur from where he was referred to CHC, Ludhiana but on the way, he succumbed to his injuries.

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 (24 years old) at Rs.4500/- as the claimants have failed to produce any documentary evidence that the deceased was earning and his annual dependency comes to Rs.54000/- and 50% was deducted towards personal expenses and the amount comes to Rs.27000/-. The multiplier of 14 was applied and Rs.10000/- was awarded towards funeral expenses. The total compensation of Rs.3,74,000/- 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. The deceased was 25 years old at the time of alleged accident.

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.4500/- per month
(ii)	50% of (i) above to be added as future prospects=	Rs.4500+Rs.2250=Rs.6750/- per month
(iii)	1/2 of (ii) deducted as personal expenses of the deceased=	Rs.6750-Rs.3375=Rs.3375 per month
(iv)	Compensation after multiplier of 18 is applied	Rs.3375 X 12 X 18= Rs.7,29,000/-
(vi)	Loss of love and affection to parents	Rs.50,000/- each
(vii)	Funeral charges	Rs.25,000/-
(viii)	Total Compensation awarded	Rs.8,54,000/-
	Enhanced amount of compensation	Rs.8,54,000-Rs.3,74,000=Rs.4,80,000/-

9. Resultantly, the enhanced amount of compensation of Rs.4,80,000/- 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