

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

FAO No. 6343 of 2013

Date of decision : August 24, 2015

* * * * *

Kiran Bala and another

.....Appellants

Versus

Rajpal and others

.....Respondents

* * * * *

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

* * * * *

Present: Mr. Sandeep Goyal, Advocate for the appellants.
Mr. Rajnish Malhotra, Advocate for respondent no.3.

* * * * *

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

FAO No. 8716 of 2014

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Karnal (hereinafter referred to as `the Tribunal') vide award dated 24.8.2013 on account of death of Pardeep, son of the claimants-appellants.

FACTS NOT IN DISPUTE

The brief facts of the case are that on 17.7.2012, Vimal along with Pardeep was going to Village Norta on motorcycle No. HR-05M-8204 Crux driven by Pardeep at moderate speed and when they reached in between village Sangoha and Village Churni at about 8/8.30 PM, in the meantime, a tractor trolley bearing registration No. HR-02D-0984 came from Village Churni side in a rash and negligent

manner and hit against the motorcycle of the deceased. The accident was witnessed by eye witness who was going behind the deceased vehicle on the motorcycle No. HR-05T-2796. Due to the impact of accident, both Vimal and Pardeep received multiple and grievous injuries on various parts of their bodies. They were taken to Civil Hospital, Karnal where they were declared dead. In this regard, FIR Ex. P1 was registered and the challan Ex. P-2 was presented under Section 173 Cr.P.C in which the stand of eye witness is duly corroborated from the investigation carried out by the police

COMPENSATION ASSESSED BY THE MACT

On account of death of Pardeep, his parents Kiran Bala and Jai Ram-appellants filed claim petition under Sections 166 and 140 of the Motor Vehicles Act, 1988, which was accepted partly by the Tribunal and a sum of Rs.4,96,000/- was awarded as compensation on account of death of Pardeep. The monthly income of the deceased was assessed at Rs. 4500/- per month. Fifty per cent amount was deducted towards personal and living expenses. The dependency of claimants, thus, came to Rs.27000/- per annum. Pardeep was presumed to be 20-21 years of age at the time of the accident and hence the multiplier of 18 was applied. Thus, the claimants were found entitled to compensation of Rs.4,86,000/-. In addition to it, further compensation of Rs.10,000/- towards loss of estate and funeral expenses was awarded. Hence the claimants were found entitled to total compensation of **Rs. 4,96,000/-**.

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. The deceased 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 is re-assessed as under:-

<i>Sr. No.</i>	<i>HEADS</i>	<i>CALCULATION</i>
(I)	Income	Rs.4500/- per month
(ii)	50% of (i) above to be added as future prospects	[Rs.4500/-+Rs.2250/-] Rs. 6750/- per month
(iii)	50% of (ii) deducted personal expenses of the deceased	[Rs.6750/-]- [Rs.3375/-] =Rs.3375/- per month
(iv)	Compensation after multiplier of 18 was applied	[Rs.3375/-x12x18] Rs.7,29,000/-
(v)	Loss of love and affection for parents	Rs.1,00,000/- (Rs.50,000/- for each parent)
(vi)	Loss of estate	Rs.1,00,000/-
(vii)	Funeral expenses	Rs.25,000/-
	TOTAL COMPENSATION AWARDED	Rs.9,54,000/-

<i>Sr. No.</i>	<i>HEADS</i>	<i>CALCULATION</i>
	Enhanced amount of compensation	(Rs.9,54,000/-)- (Rs.4,96,000/-) =Rs.4,58,000/-

The enhanced amount of compensation of **Rs.4,58,000/-** 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.

August 24, 2015
ritu

(RITU BAHRI)
JUDGE