

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

**FAO No.684 of 2013
Date of decision : 03.09.2015**

Reliance General Insurance Company Limited, Chandigarh
...Appellant

versus

Manjit Kaur & others
...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Subhash Goyal, Advocate
for the appellants.

Mr. Naveen Sharma, Advocate
for respondents No.4 and 5.

RITU BAHRI, J (Oral)

The appellant/respondent No.3 has come up in appeal against the award of the Motor Accidents Claims Tribunal, Jalandhar (hereinafter referred to as “the Tribunal”) dated 08.08.2012, whereby the Tribunal has awarded a compensation of Rs.6,62,500/- to respondents No.1 to 3/claimants on account of death of Daljit Singh, who died in a road accident which took place on 16.09.2010.

Facts not in dispute are that on 16.09.2010, at about 8.15 a.m. deceased Daljit Singh was proceeding on his bicycle to petrol pump situated in village Samrawan for fetching diesel and was being followed by Dalwinder Singh, who was on another bicycle. When said Daljit Singh had reached near petrol pump, a car Tavera No.CH-03-Z-7554 being driven by respondent No.1 had come from wrong side, without blowing horn, in a rash and negligent manner and had hit

bicycle of Daljit Singh, who had fallen down and suffered serious head injury and died instantaneously. Daljit Singh had died due to multiple injuries suffered by him on his head, due to rash and negligent driving of the above said vehicle by respondent No.1. An FIR No.219 dated 16.09.2010 was registered in this regard.

On account of death of Daljit Singh, the claimants filed claim petition under Section 166 of the Motor Vehicles Act, 1988, which was accepted by the Tribunal and a sum of Rs.6,62,500/- was awarded as compensation to the claimants on account of death of Daljit Singh, after assessing the income of the deceased Daljit Singh as Rs.5,000/- per month as he was an agriculturist by profession. 1/4th amount was deducted towards personal expenses. The annual dependency of claimants, thus, came to Rs.45,500/-. Daljit Singh was about 55 years of age at the time of accident and the multiplier of 14 was applied. Thus, the claimants were found entitled to compensation of Rs.6,30,000/-. In addition to it, further compensation of Rs.5,000/- towards loss of consortium, Rs.2,500 towards funeral expenses and Rs.25,000/- towards loss of estate was also awarded. Hence the claimants were found entitled to total compensation of Rs.6,62,500/-.

Feeling aggrieved with the impugned award, the appellant/respondent No.3 has preferred the present appeal.

I have heard 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 & ors. Vs. Maharaj Singh & ors., 2015 (2) RCR (Civil) 520, Sarla Verma & ors. Vs. Delhi Transport Corporation & anr., 2009 (3) RCR (Civil) Page 77, Rajesh & ors. Vs. Rajbir Singh & ors., 2013 (9) SCC 54 and Munna Lal Jain & anr. Vs. Vipin Kumar Sharma & ors., 2015 (3) Recent Apex Judgments

459. Accordingly, the compensation is reassessed as under:-

Sr. No.	Heads	Calculation
(i)	Income	Rs.5,000/- per month
(ii)	Annual Income	Rs.5,000/- x 12 = Rs.60,000/- per annum
(iii)	15% of (ii) added for future prospects	(Rs.60,000/-) + (Rs.9,000/-) = Rs.69,000/-
(iv)	1/ ^{3rd} of (iii) deducted towards personal expenses of the deceased	(Rs.69,000/-) – (Rs.23,000/-) = Rs.46,000/-
(v)	Compensation after multiplier of 11 is applied	(Rs.46,000/- x 11) = Rs.5,06,000/-
(vi)	Loss of estate	Rs.1,00,000/-
(vii)	Loss of consortium	Rs.1,00,000/-
(viii)	Loss of love and affection to the children	Rs.2,00,000/- (Rs.1,00,000/- each to the child)
(ix)	Funeral expenses	Rs.25,000/-
(x)	Total Compensation awarded	Rs.9,31,000/-
(xi)	Enhanced amount of compensation	(Rs.9,31,000/-) - (Rs.6,62,500/-) = Rs.2,68,500/-

The enhanced amount of compensation of **Rs.2,68,500/-** 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 realisation, in view of the judgment of Hon'ble Supreme Court in the case of Kumari Kiran through her father

Harinarayan Vs. Sajjan Singh & ors., 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.

03.09.2015
Vinay

(RITU BAHRI)
JUDGE