

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

**FAO No.9093 of 2014
Date of decision: 12.10.2015**

Smt. Manjit Kaur and others

....Appellants

Versus

Same Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anil Kumar Spehia, Advocate
for the appellants.

Mr. Mohit Sadana, Advocate
for respondent No.1.

Mr. Harsh Aggarwal, Advocate
for respondent No.3.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Kapurthala (hereinafter referred to as 'the Tribunal') vide award dated 15.02.2013, on account of death of Sukhdev Singh in a motor vehicular accident, which took place on 11.06.2009.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 11.06.2009, Sukhdev Singh (deceased) was driving tanker No.HR-37-A-2979, for

transporting the same from Mathura to Pathankot, Punjab and one Gobind Kumar was the cleaner on the said vehicle. Another tanker No.HR-37-A-2980, was being driven by one Gurdev Singh son of Kulwant Singh. When the said tanker of the deceased reached near KCM School near Mundkati Police Station, then the offending truck bearing registration No.HR-50-E-0109, which was going ahead of the tanker of the deceased and was being driven by respondent No.1. Respondent No.1 stopped his vehicle in the middle of the National Highway No.2, without giving any indication and signal, negligently. As a result thereof, the tanker which was being driven by deceased-Sukhdev Singh, struck with the offending vehicle. In this accident, Sukhdev Singh received multiple grievous injuries on his chest, head and other parts of the body and died at the spot.

In this regard, FIR No.181 dated 11.06.2009, under Sections 279 and 304-A of the Indian Penal Code, 1860, in respect of the accident in question was got registered at Police Station Hodal, at the instance of Gobind Kumar.

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

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident was caused on account of rash and negligent driving of offending tanker by Same

Singh-respondent No.1. The Tribunal has rightly returned the finding on Issue No.1 in favour of the claimants-appellants, after accepting the depositions of AW-1-Manjit Kaur, AW-3-Gurdev Singh.

The claim petition was partly accepted by the tribunal and a sum of Rs.7,27,000/- was awarded as compensation on account of death of Sukhdev Singh along with future interest at the rate of 9% per annum from the date of filing of the petition till its realization.

The monthly income of the deceased was assessed at Rs.6,000/- per month, out of which 1/3rd amount was deducted towards personal expenses. The dependency of claimants, thus, came to Rs.4,000/- per month, which came to Rs.48,000/- per annum. Sukhdev Singh (deceased) was 33 years of age at the time of the accident/death and the multiplier of 15 was applied. Thus, the claimants were found entitled to compensation of Rs.7,20,000/-. In addition to it, further compensation of Rs.2,000/- was awarded towards funeral expenses and Rs.7,000/- was awarded on account of loss of consortium. Hence, the claimants were found entitled to total compensation of Rs.7,27,000/-.

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.72,000/-
(ii)	50% of (i) above to be added as future prospects (Age 33 years)	(Rs.72,000/-) + (Rs.36,000/-) = Rs.108,000/-
(iii)	Dependency of the claimant after deducing 1/3rd of (ii) towards personal expenses of the deceased	(Rs.108,000/-) - (Rs.36,000) = Rs.72,000/-
(iv)	Compensation after multiplier of 16 is applied	(Rs.72,000/- x 16) =Rs.11,52,000/-
(v)	Loss of consortium	Rs.1,00,000/-
(vi)	Loss of estate	Rs.1,00,000/-
(vii)	Loss of love and affection for minor children	Rs.2,00,000/- (Rs.1,00,000/- each)
(vii)	Loss of love and affection to parents	Rs.1,00,000/- (50,000/- each)
(ix)	Funeral expenses	Rs.25,000/-
(x)	TOTAL COMPENSATION AWARDED	Rs.16,77,000/-
(xi)	Enhanced amount of compensation	(Rs.16,77,000/-) – (Rs.7,27,000/-) =Rs.9,50,000/-

The enhanced amount of compensation of **Rs.9,50,000/-** 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

12.10.2015
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