

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

X Obj No.31-CII of 2001 and
FAO No.2483 of 1998
Date of Decision.18.02.2016

Ranjit KaurAppellant

Vs.

Davinder Kumar and othersRespondents

2. C.R. No.427 of 2002

National Insurance Company LimitedAppellant

Vs.

Ranjit Kaur and othersRespondents

Present: Mr. D.D. Bansal, Advocate
for the appellant in FAO No.2483 of 1998 and
for the respondents in C.R. No.427 of 2002.

Mr. Neeraj Khanna, Advocate
for the petitioner in C.R. No.427 of 2002 and
for the insurance company in FAO No.2483 of 1998.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The appeal in FAO No.2483 of 1998 is at the instance of the claimants seeking for enhancement of compensation. There was an application filed by the insurance company for review of the order stating that the Tribunal was unjustified in assessing compensation at ₹1,68,000/- and also providing for ₹50,000/- in addition to the amount determined under Section 140 of the Motor Vehicles Act. The review

application was dismissed and the revision petition in C.R. No.427 of 2002 is against the said order. There is also cross objection by the insurer against the assessment of compensation.

2. The scales of compensation have become fairly certain thanks to the decision of the Supreme Court in Sarla Verma Vs. DTC 2009(6) SCC 121 and subsequent decision in Rajesh v. Rajbir Singh, (2013) 9 SCC 54 that has enhanced the claims for loss of consortium and loss of love and affection and I will rework the compensation on the scales provided now. I will not make any modification with reference to the income as taken by the Tribunal but I will surely make possible a prospect of increase at 50% and tabulate the several heads of claims as under:-

FATAL ACCIDENT 15.09.1995			
Age	28 years		
Occupation	Labor work/truck driver		
Claimants	Mother		
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs)	Amount (Rs.)
1	Income	1800	1800
2	Add, % of increase 50%		2700
3	Less, Deduction		1350
4	Multiplicand (annualized by multiplying 12)		16200
5	Multiplier	10	17
6	Loss of dependence		2,75,400
7	Medical Expenses & Transportation		
8	Loss of Consortium		
9	Loss of love and affection		25000
10	Loss to estate		5000
11	Funeral expenses		5000
	Total	1,68,000	3,10,000

3. The total compensation payable shall be ₹3,10,000/- and the amount in excess over what has already been provided by the Tribunal shall also attract interest @6% from the date of petition till the date of payment. The amount of ₹50,000/- already assessed under no fault liability will be taken as part of the compensation which is now assessed at ₹3,10,000/-.

4. The award passed by the Tribunal is modified and the appeal in FAO No.2483 of 1998 filed by the claimants and C.R. No.427 of 2002 filed by the insurance company are allowed to the above extent. Cross objection filed by the insurance company challenging the assessment of compensation is dismissed.

**(K. KANNAN)
JUDGE**

February 18, 2016
Pankaj*