

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

Sr. No.330

**FAO No.3479 of 2003
Date of decision : 29.09.2017**

Smt. Parveen Mehta and others

..... Appellants

VERSUS

Tilak Raj and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashit Malik, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent No.3-Insurance Company.

SUDHIR MITTAL, J. (Oral)

The claimants are in appeal against the impugned Award dated 30.04.2003 passed by the learned Motor Accidents Claims Tribunal, Panipat, (hereinafter referred to as 'the learned Tribunal'), whereby compensation of ₹8,86,120/- has been granted on account of death of Vijay Kumar Mehta.

2. The accident took place on 24.11.2001. The deceased-Vijay Kumar Mehta was riding on his scooter. He was struck by a car registration No.DL-3CH-8245, which came from the Canal Side. As a result of the accident, Vijay Kumar Mehta fell down on the road and received multiple injuries. He was brought to Chhabra Hospital and then he was shifted to the General Hospital, but he succumbed to his injuries while being shifted to the General Hospital.

3. It is stated at the bar that the appeal filed by the Insurance Company has been dismissed in limine. Therefore, the findings regarding

rash and negligent driving of the driver of the offending vehicle are upheld.

4. Thus, the only dispute to be decided is regarding the quantum of compensation. Learned counsel for the appellants has submitted that the deceased was a Junior Engineer in the Public Health Department of Haryana Government. His age was 48 years on the date of the accident and his salary certificate has been produced on record as Ex.P-1, according to which, the gross salary of the deceased was ₹13,890/- and that the learned Tribunal has erred in law in calculating the compensation on the basis of basic salary. He has further submitted that the dependency has not been properly assessed and inadequate compensation has been awarded under the usual heads. Learned counsel for respondent No.3-Insurance Company has fairly stated that in accordance with the judgment in '**Sarla Verma Vs. Delhi Transport Corporation, 2009(3) RCR (Civil) 77**', the impugned award is liable to be modified.

5. Having heard learned counsel for the parties and keeping in view the fact that the gross salary of the deceased was ₹13,890/- and his mother, widow and two minor children were his dependants and the deceased was 48 years' old on the date of the accident, the compensation is re-assessed as follows:-

(a)	Annual income (13,890x12)	₹1,66,680/-
(b)	Increase of 30% in income on account of future prospects (1,66,680+50,004)	₹2,16,684/-
(c)	Deduction of 1/4 on account of personal expenses (2,16,684-54,171)	₹1,62,513/-
(d)	Annual dependency, applying multiplier of 13 as deceased was 48 years of age (1,62,513x13)	₹21,12,669/-

(e)	Lose of love and affection	₹1,00,000/-
(f)	Loss of consortium	₹1,00,000/-
(g)	Funeral expenses	₹25,000/-
(h)	Loss of estate	₹50,000/-
(i)	Total Compensation	₹23,87,669/-

6. The appeal is allowed in the above terms. The enhanced compensation will be payable with interest @ 7.5% per annum from the date of filing of the claim petition till the date of payment. Respondent No.3- Insurance Company is directed to make payment within a period of three months from the date of receipt of a certified copy of this judgment. The enhanced compensation will be shared equally amongst the widow and two children of the deceased-Vijay Kumar Mehta. This direction is being given because it has been brought to my notice that the mother-Shanti Devi of the deceased has expired during the pendency of this appeal.

(SUDHIR MITTAL)
JUDGE

September 29, 2017
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No