

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

Date of Decision: 31.10.2017

1. FAO No.1173 of 2000 (O&M)

Karnail Kaur ... Appellants

Versus

Rachhpal Singh and others ... Respondents

2. FAO No.1174 of 2000 (O&M)

Charanjit Kaur ...Appellant

Versus

Rachhpal Singh & Others ...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Vivek Sharma Vashisht, Advocate for the appellant(s)

Mr.Vinod Gupta, Advocate for the Insurance Company

RAJIV NARAIN RAINA, J. (Oral)

1. This order will dispose of FAO Nos.1173 & 1174 of 2000 as the same arise out of a common award dated 13th January, 2000 passed by the Motor Accident Claims Tribunal, Ludhiana.

2. Both the appeals have been filed by the appellants/claimants. Appellant Karnail Kaur is the mother of deceased Jaswinder Singh and appellant Charanjit Kaur is the mother of deceased Gurdip Singh. Both of them are seeking increase in compensation awarded by the Motor Accident Claims Tribunal, Ludhiana vide its award dated 13th January, 2000.

3. On 3rd November, 1997, deceased Gurdip Singh was driving the ill fated scooter bearing Regn. No.PB-100-0419 on the Ludhiana-Ferozepur Road. Deceased Jaswinder Singh was riding pillion with him. PW3 Charanjit Singh and Gurvinder Singha were following them in Jeep bearing Regn. No.DL-SCA-8957 towards Ludhiana. At about 10 a.m., the said jeep was a little short of the Bus Stop of village Baddowal when PW3 Charanjit Singh saw a stationary bus with passengers alighting therefrom. The bus was on the left side of Ludhiana-Ferozepur road with front towards Ferozepur. In the meantime, a 4 wheeler Tata-407 came from the side of Ludhiana and was in the process of crossing the bus. Behind that four wheeler, another Tempo Canter bearing Regn.No.HR-39-0598 was coming. Respondent no.1 was driving the Canter rashly and negligently at a high speed. He tried to overtake the Tata-407 going ahead of it. Due to this, the front right side of the Canter ran into the scooter which was moving on the left side of the road. The Canter dragged the scooter and its riders Gurdip Singh and Jaswinder Singh towards the Bus Stop of Baddowal and ultimately, hit the Bus Shelter. Gurdip Singh and Jaswinder Singh died on the spot. The scooter was completely damaged and a part of the construction of the Bus Stop was also damaged. Front portion of the Canter was also damaged. PW Gurvinder Singh and Charanjit Singh caught hold of respondent no.1. FIR was lodged by PW Charanjit Singh at P.S.Sadar Ludhiana. The deceased Jaswinder Singh was 27 years of age and the deceased Gurdip Singh was 22 years of age. Both the deceased were Electricians by occupation.

4. The Tribunal took the income of both the deceased at ₹ 1500/- per month each and assessed the annual contribution of the deceased towards both the claimant at ₹ 8000/ each and a multiplier of 12 was applied. The Tribunal awarded total compensation to both claimants/apellants at ₹96,000/- each.

Additionally, a sum of ₹ 4,000/- was awarded towards funeral expenses to each of the claimants. Thus, the total compensation came to ₹ 1,00,000/- to each of the claimants.

5. I have heard learned counsel for the parties and perused the paper-book. The factum of accident is admitted and proved. The deceased died as a result of the accident. In the peculiar facts and circumstances of this case, to meet the ends of justice, the compensation is hereby re-assessed, in view of the judgments of **Asha Verma and others v. Maharaj Singh and others**, 2015 (2) RCR (Civil) 520, **Sarla Verma and others v. Delhi Transport Corporation and another**, 2009 (3) RCR (Civil) 77, **Munna Lal Jain and another v. Vipin Kumar Sharma and others**, 2015 (3) Recent Apex Judgments 459, **Kalpanaraj and others vs. Tamil Nadu State Transport Corporation**, (2015) 2 SCC 764 and **Sandhya Rani Debbarma and others vs. National Insurance Company Ltd. & Anr.**, 2016 (4) RCR (Civil) 465. The compensation is re-assessed as under:-

Sr. No.	Heads	Calculations
1.	Income	₹ 1500/- per month
2.	Total Dependency	₹ 8000 per annum. By applying multiplier of 12, it became to ₹ 96000/-
3.	Funeral Expenses	₹ 25,000/- to each of the claimants
4.	Loss of Consortium	₹ 50,000/- to each of the claimants
5.	Loss of love and affection	₹ 1,00,000/- to each of the claimants
6	Loss of Estate	₹ 25,000/- to each of the claimants
7.	For Psychiatric shock	₹ 1,00,000/- to each of the claimants
8.	Litigation Expenses	₹ 10,000 to each of the claimants

Total compensation	₹ 4,06,000/-
Enhanced compensation	(₹ 1,00,000/-) – (₹ 4,06,000) = ₹ 3,06,000/- to each of the claimants in both the appeals.

6. The enhanced amount of compensation of ₹ 3,06,000/- shall be deposited before the learned Tribunal within three months from the date of receipt of a certified copy of this order and thereafter within fifteen days, the same will be paid to the claimants. The enhanced amount of compensation excluding the amount on psychiatric shock and funeral expenses shall also carry interest @ 8 % per annum from the date of filing of claim petitions till its realization, in view of judgment of this Court in the case of Jasvir Kaur and Another Versus Budh Singh and Others, 2015 (3) RCR (Civil) 235.

7. In view of the above, both the appeals are partly allowed and the impugned award stands modified to the above extent.

(RAJIV NARAIN RAINA)
JUDGE

31.10. 2017

MFK

Whether speaking/reasoned

Yes

Whether Reportable

No