

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

**FAO No.1365 of 2001
Date of Decision: 09.08.2017**

Smt.Sharda and others

.....Appellants

Vs.

Madan and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sagar Aggarwal, Advocate,
for the appellants.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 29.07.2000, passed by the learned Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal') vide which compensation to the tune of Rs.2,75,800/- was awarded to the claimants on account of death of Gulshan Kumar.

FACTS NOT IN DISPUTE

On 09.07.1997, the deceased Gulshan Kumar was going from Panipat to village ahar alongwith Smt.Dhanno Devi, Dharam Pal son of Punran Chand, Lakhmi Lambardar and Gurdev Singh in a car No.DBD/4625 which was being driven by Gurdev Singh

Driver. When the said car reached in the area of village Pardhana at 12:00 noon, the car was going on a normal speed on his correct side then on tractor alongwith trolly bearing No.HR-06-C-6323 came from the opposite side being driven rashly and negligently by respondent No.1. The respondent No.1 lost the control of the tractor and the said tractor struck with the car and the car was badly damaged in the accident and all the occupants of the car received the injuries. The deceased Gulshan Kumar and Dhanno Devi died in this accident

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 32 years old and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr.No.	Heads of compensation	Amount
1	Salary per month	Rs.1800/-
2.	Loss of dependency (Rs.400/-)	Rs.1800 --- Rs400= Rs.1400/-
3.	Annual loss of dependency	Rs.1400/- X 12= Rs.16,800/-
4.	After applying multiplier	Rs.16,800 X 16= Rs.2,68,800/-
5.	Last rites	Rs.2,000/-
6.	consortium	Rs.5,000/-
	Total	Rs.2,75,800/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "**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**; '**Munna Lal Jain and another vs. Vipin Kumar Sharma and others, 2015(3) Recent Apex Judgments 459'**; **Asha Verman and others vs. Maharaj Singh and others, 2015(2) RCR (Civil) 520** and **Kalpanaraj and others v. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil) 193**. Learned counsel submits that the loss of consortium awarded by the Tribunal is on the lower side and further nothing has been awarded towards love and affection to parents, who were fully dependent upon the deceased. On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

RE-ASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned

judgments, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Salary per month	Rs.1800/- per month
2.	Future prospect (50%)	Rs.1800/- + Rs.900/-= Rs.2700/-
2.	Loss of dependency (1/10) (As per Gopali Judgement)	Rs.2700/- --- Rs.270/-= Rs.2430/-
3.	Annual loss of dependency	Rs.2430/- X 12= Rs.29,160/-
4.	After applying multiplier	Rs.29,160/- X 16= Rs.4,66,560/-
6.	Love and affection widow Rs.1,00,000/- 2 minor children Rs.1,00,000/- each. Parents of the deceased Rs.50,000/- each	Rs.4,00,000/-
7	Funeral expenses	Rs.5,000/-
	Total	Rs.8,71,560/-
	Enhanced compensation	Rs.8,71,560/- --- Rs.2,75,800/-= Rs.5,95,760/-

Resultantly, the enhanced amount of compensation of Rs.5,95,760/- shall be payable within a period of forty five days 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 a 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. With the
aforesaid modification in the impugned award, the appeal is
allowed to the above extent.

(RITU BAHRI)
JUDGE

09.08.2017

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No