

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

Sr. No.316

**FAO No.4064 of 2001 (O&M)
Date of decision : 22.09.2017**

Rajvir Kaur and others

..... Appellants

VERSUS

Rajwinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Kashish Garg, Advocate for
Mr. Bir Davinder Singh, Advocate
for the appellants.

None for the respondents.

SUDHIR MITTAL, J. (Oral)

This case was taken up on 01.09.2017 and was adjourned to 08.09.2017 as none had appeared for the parties. Thereafter, the case has been taken up today. No one is present on behalf of the respondents. The case is of the year 2001 and therefore, I am proceeding to decide it in the absence of the learned counsel for the respondents.

2. The claimants are in appeal for enhancement of compensation granted vide impugned Award dated 06.09.2001 passed by the learned Motor Accidents Claims Tribunal, Rupnagar (hereinafter referred to as 'the learned Tribunal'). The bare facts are that the deceased-Jasbir Singh died in a motor accident on 07.02.2000 at about 6.15 A.M. He was employed as a Foreman in the Electronics Department in J.C.T. Electronics Limited, Mohali. The accident occurred when he was returning home after duty. The deceased was riding a scooter and was hit by a mini Tata bus

No.PB-12D-9550 from behind. This accident was witnessed by a co-worker, namely, Manjit Singh, S/o Gurmukh Singh, who was following the deceased on his own scooter. The accident resulted in multiple injuries on the left leg, knee and head of Jasbir Singh and he succumbed to his injuries in the Civil Hospital, Kharar. The learned Tribunal granted a compensation of ₹6,29,408/- along with interest @ 9% per annum from the date of claim petition till realization.

3. No cross appeal has been filed by the driver/owner or insurance company and hence, the issue regarding rash and negligent driving by the driver of the offending vehicle does not need to be re-visited. The finding of the learned Tribunal that the accident was caused due to rash and negligent driving of the driver of the offending vehicle is upheld. It would be relevant to note that the liability of respondent No.3-Insurance Company to pay the compensation is also not under challenge.

4. The only question is regarding the quantum of compensation to which the claimants are entitled. The claimants in the present case are the widow and two minor children of the deceased. The salary certificate of the deceased is on record as Ex.P-1, in which the monthly income is recorded as ₹7,087/-. The said certificate also records a production incentive of ₹660/- per month. Thus, the monthly income of the deceased was ₹7,747 per month and the same has been wrongly calculated by the learned Tribunal. The salary certificate Ex.P-1 has been proved on record by PW-1, Subhash Thakur. He has further stated from the record that the age of the deceased was 42 years. Keeping in view the facts of this case, the compensation is re-assessed as under:-

(a)	Annual income (7,747x12)	₹92,964/-
(b)	Increase of 30% in income on account of future prospects (92,964+27,889.2)	₹1,20,853.2/-
(c)	Deduction of 1/3 rd on account of personal expenses (1,20,853.2-40,284.4)	₹80,568.8/-
(d)	Annual dependency applying multiplier of 14 as the deceased was 42 years of age (80,568.8x14)	₹11,27,963.2/-
(e)	Loss of consortium	₹1,00,000/-
(f)	Loss of love and affection	₹1,00,000/-
(g)	Loss of estate	₹5,000/-
(h)	Total compensation (round off)	₹13,32,964/-

5. The appeal is allowed in the above terms. Respondent No.3 is directed to pay the enhanced amount alongwith interest @ 7.5% per annum from the date of claim petition till date of payment within a period of three months.

(SUDHIR MITTAL)
JUDGE

September 22, 2017

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No