

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

FAO No.2349 of 2011(O&M)

Date of decision: 18.9.2017

Om Lata and anotherAppellants

VERSUS

Gurtej Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.D. Sharma, Advocate for the appellants.

Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Fast Track Court, Gurdaspur (in short 'the Tribunal') in regard to death of Sunil Singh in a motor vehicular accident that took place on 11.09.2006.

The Tribunal has assessed compensation at the rate of Rs.5 lakh each to be given to parents of the deceased but without following any criteria for assessment of compensation. This act of the Tribunal clearly indicates that the Tribunal has shirked from its responsibility to assess just and reasonable compensation on the basis of materials on record.

The deceased was working as ETT Teacher in Government Primary School and drawing salary of Rs.9464/- per month. The claimants are parents of deceased Sunil Singh aged 25 years. Taking into consideration the criteria approved by Hon'ble the Supreme Court of India

in Smt. Sarla Verma and others Versus Delhi Transport Corporation

and another, 2009 (3) RCR (Civil) 77 coupled with the judgment **Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447,** the claimants shall be entitled to following compensation for loss of dependency and under conventional heads:-

Income of the deceased Rs.9464/- per month plus 50% towards future prospects	Rs.9464 + Rs.4732 =Rs.14,196/-
Deduction of 50% for personal expenses	Rs.14,196 – Rs.7098 = Rs.7098/-
Annual Income	Rs.7098 x 12 = Rs.85,176/-
Loss of dependency after applying multiplier of 18	Rs.85176 x 18 = Rs.15,33,168/-
Funeral expenses	Rs.25,000/-
Loss of love and affection to the mother	Rs.50,000/-
Loss of estate	Rs.25,000/-
Total	Rs.16,33,168/-

In view of the above, total compensation comes to Rs.16,33,168/- and the enhanced compensation is Rs.6,33,168/- (Rs.16,33,168/- - Rs.10,00,000/-). The enhanced compensation shall carry interest at the rate of 7.5% per annum from the date of petition till realization, payable exclusively to mother of the deceased. The other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 18, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no