

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

**1. Date of decision: 25.09.2017  
FAO No.6525 of 2010 (O&M)**

Rajeshwari and others

....Appellants

Versus

Mohinder Singh and others

....Respondents

**2. FAO No.2403 of 2011 (O&M)**

Dalip

....Appellants

Versus

Rajeshwari and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Vinod Arya, Advocate,  
for the appellants (in FAO-6525-2010).

Mr. Sandeep Parkash Chahar, Advocate,  
for the appellant (in FAO-2403-2011) and  
for respondent Nos.5 and 6 (in FAO-6525-2010).

Mr. Joginder Sharma, Advocate,  
for Mr. Surinder Gandhi, Advocate,  
for respondent Nos.1 and 2 (in FAO-6525-2010).

Mr. Varun Mittal, Advocate,  
for Mr. V.M. Gupta, Advocate,  
for United India Insurance Company-respondent No.4.

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**RITU BAHRI J. (Oral)**

This judgment shall dispose of two appeals i.e. FAO-6525-  
2010 and FAO-2403-2011 together as both have arisen out of one and the

same Award passed by the Tribunal.

**FAO No.6525-2010** has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as 'the Tribunal') vide award dated 08.06.2010, on account of death of Ranbir Singh in a motor vehicular accident which took place on 04.04.2007. Appellant No. 1 is widow and appellant Nos.2 & 3 are children of deceased Ranbir Singh.

**FAO No.2403-2011** has been filed by claimant-Dalip, who is father of deceased-Ranbir Singh, against the aforesaid Award, whereby claim petition qua him has been dismissed by the Tribunal.

#### **FACTS NOT IN DISPUTE**

Brief facts of the case are that on 04.04.2007, Ranbir Singh (since deceased) was returning to his home from Tilyar Lake, Rohtak on his scooter bearing registration No.HR-12-E-4321. At about 11:00 A.M., when he reached near Model School, ahead of Ambedkar Chowk, Rohtak, a Tata-407 bearing registration No. HR-46-9073, being driven by Mohinder Singh-respondent No.1 (in FAO-6525-2010) in a rash and negligent manner, came from the opposite side at a high speed and struck against the scooter of Ranbir Singh, as a result of which, he fell down on the road and sustained multiple injuries. He was taken to Post Graduate Institute of Medical Science, Rohtak, from where he was referred to All India Institute of Medical Science (AIIMS), New Delhi. However, Ranbir Singh succumbed to the injuries on 05.04.2007. The accident was witnessed by Joginder Singh son of Azad Singh, who was following the scooter of the deceased on his motorcycle. With regard to the incident, FIR Ex.P-A was registered against driver of the offending vehicle. Consequently, the claimants-

appellants filed a claim petition before the Tribunal.

**COMPENSATION ASSESSED BY THE MACT**

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of rash and negligent driving of offending vehicle by Mohinder Singh-respondent No.1 and thus, returned the finding on issue No.1 in favour of the claimants. This finding was rightly given on the basis of deposition of Joginder Singh (PW-2), who was eye witnesses of the accident and on whose statement FIR Ex.P-A was registered against the driver of offending vehicle.

The Tribunal has observed only widow, children and mother (claimant Nos.1 to 3 and respondent No.5 in claim petition) of the deceased were dependent upon him and only they were entitled to get the amount of compensation. However, respondent No.6 (appellant in FAO-2403-2011) being father of deceased was not taken to be dependent upon deceased-Ranbir Singh. Therefore, claim petition qua respondent No.6-father was dismissed.

The deceased was working as Waiter in Myna Tourist Complex, Rohtak. It was a Government job. As per salary certificate Ex.PW3/A, he was drawing salary of Rs.8968/- per month. He was 41 years of age at the time of death/accident. By taking into account Haryana Government notification Ex.R-7 with respect to the benefit extended on account of death of an employee, a lump sum amount of Rs.4,00,000/- has been awarded in favour of the claimants i.e. widow, children and mother of deceased Ranbir Singh along with interest @ 7% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimants-appellants have preferred this appeal (FAO-

6525-2010) for enhancement of compensation.

On the other hand Dalip, father of deceased, filed separate appeal i.e. FAO-2403-2011, challenging the impugned Award and praying for grant of compensation to him along with other claimants.

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident.

So far as appeal (FAO-2403-2011) filed by father of deceased- Ranbir Singh is concerned, the Tribunal has rightly dismissed the claim petition qua Dalip, as he was not dependent upon the deceased. No evidence was led by him to prove that he (father) was dependent upon his son. Accordingly, no ground is made out to interfere with the finding recorded by the Tribunal in this regard.

Resultantly, FAO No.2403.2011 stands dismissed.

As far as FAO No.6525 of 2010 is concerned, this appeal has been filed by widow and children of the deceased. In the peculiar facts and circumstances of the case, to meet the ends of justice, the compensation is hereby reassessed in view of the judgments of ***Asha Verman and others vs. Maharaj Singh and others***, 2015(2) RCR (Civil) 520, ***New India Assurance Company Limited vs Gopali and others***, 2012 (12) SCC 198, ***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 and ***Munna Lal Jain and another vs. Vipin Kumar Sharma and others***, 2015(3) Recent Apex Judgments 459, as under:-

| Sr. No. | HEADS                                                                            | CALCULATIONS                                                               |
|---------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| (i)     | Income                                                                           | Rs.9000/- per month                                                        |
| (ii)    | 30% of (i) above to be added as future prospects                                 | $9000 + 2700 = \text{Rs.}11,700/-$                                         |
| (iii)   | 1/4 <sup>th</sup> of (ii) above is deducted as personal expenses of the deceased | $11,700 - 2925 = \text{Rs.}8775/-$                                         |
| (iv)    | Compensation after multiplier of 14 is applied                                   | $\text{Rs.}8775/- \times 12 \times 14 = \text{Rs.}14,74,200/-$             |
| (v)     | Loss of consortium for the widow (appellant No.1)                                | Rs.1,00,000/-                                                              |
| (vi)    | Loss of love and affection for the children (appellant Nos.2 and 3)              | Rs.2,00,000/- (Rs.1,00,000/- each)                                         |
| (vii)   | Loss of love and affection for the mother                                        | Rs.50,000/-                                                                |
| (xiii)  | Funeral expenses                                                                 | Rs.25,000/-                                                                |
| (ix)    | <b>TOTAL COMPENSATION AWARDED</b>                                                | <b>Rs.18,49,200/-</b>                                                      |
| (x)     | <b>Enhanced amount of compensation</b>                                           | <b><math>\text{Rs.}18,49,200 - 4,00,000 = \text{Rs.}14,49,200/-</math></b> |

The enhanced amount of compensation of **Rs.14,49,200/-** shall be payable within a period of two months 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 the 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.

Accordingly, FAO No.2403 of 2011 stands dismissed and FAO No.6525 of 2010 stands allowed modifying the impugned award to the above extent.

**(RITU BAHRI)**  
**JUDGE**

25.09.2017  
ajp

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No