

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.18 of 2013

Date of Decision: 16.08.2017

Hukum Singh and Anr.

.....Appellants

Vs.

Sachin and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Namit Sharma, Advocate, for
the appellants.

Mr.D.P.Gupta, Advocate, for respondent/Insurance Co.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 12.09.2012, passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') vide which compensation to the tune of Rs.3,80,000/- was awarded to the claimants on account of death of Mansi.

FACTS NOT IN DISPUTE

On 21.12.2010, Mansi was standing on the side of the road and at that time the offending motorcycle bullet No.HR-05AB-0939 being driven by respondent No.1 at a very high speed and in a rash and negligent manner came from Karnal side and hit the deceased and caused the accident, due to which the deceased received grievous and multiple injuries and succumbed to the same at the spot. A formal FIR No.310 dated 21.12.2010 for the offence under Section 279/304-A IPC was registered against the respondent

age of the deceased was 7 years and was student of 2nd Class.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 5 years old as per her postmortem report (Ex.P7). 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	Income (notional)	Rs.15,000/- per annum
2.	After applying multiplier	Rs.15,000/- X 15= Rs.2,25,000/-
3.	Funeral expenses	Rs.5,000/-
4.	Future prospect	Rs.75,000/-
5.	Non pecuniary damages	Rs.75,000/-
	Total	Rs.3,80,000/-

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; 193.** Learned counsel submits that the 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	Income (notional)	Rs.15,000/- per annum
2.	After applying multiplier	Rs.15,000/- X 15= Rs.2,25,000/-
3.	Funeral expenses	Rs.25,000/-
4.	Future prospect	Rs.75,000/-
5.	Non pecuniary damages	Rs.75,000/-
6.	Love and affection	Rs.1,00,000/-
	Total	Rs.5,00,000/-
	Enhanced compensation	Rs.5,00,000/- ---- Rs.3,80,000/- =Rs.1,20,000/-

Resultantly, the enhanced amount of compensation of Rs.1,20,000/- 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

16.08.2017
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No