

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

F.A.O No. 1021 of 2015

Date of decision:- 03.10.2017

Maman and anr.

...Appellants

Versus

Mukesh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Pamod Parmar, Advocate
for the appellants

Mr Vinod Gupta, Advocate for the Insurance Company

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimants-appellants, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Jhajjar (for short, 'the Tribunal') to the tune of Rs. 3,50,000/-, vide impugned award dated 16.09.2014.

2. The facts which are not in dispute are that on 27.06.2011, the deceased Meenu met with a motor vehicular accident while travelling Haryana Roadways Bus bearing RC No. HR-63-6112. While she was alighting from the bus, the driver suddenly put the bus in motion in a rash and negligent manner on account of which she stood crushed under rear wheel of the bus and died at the spot. F.I.R No. 220 at P.S. City Bahadurgarh was registered against the driver of the bus.

3. As per the Tribunal, the deceased in the present case was 19 years old at the time of the accident. The deceased was a minor and was unmarried. The learned tribunal has taken the income of the deceased at

Rs.36,000/- per annum, $\frac{1}{2}$ was deducted towards personal expenses and thereafter, applied the multiplier of 18 keeping in view the age of his parents, in view of ***Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77***, the compensation has been assessed at Rs.3,24,000/-. The claimants were awarded Rs.26,000/- as expenses on transpiration cremation and last rites etc. The total compensation awarded to the claimants was Rs.3,50,000/-.

4. The learned counsel for the claimants-appellants contends that the compensation awarded by the learned 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***' and '***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***.

5. On the other hand, the learned counsel for the respondent has vehemently opposed the present appeal.

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

7. Reference at this stage can further be made to a judgment of Hon'ble the Supreme Court of India in a case of ***Jakir Hussein vs. Sabir and others, 2015 ACJ 721*** wherein Hon'ble the Supreme Court has held that the wage rate as per the minimum wage notification is only a yardstick

and not an absolute factor to be taken to determine the compensation under

the future loss of income. Minimum wage may at times fail to meet the requirements that are need to maintain the basic quality of life since it is not inclusive of factors of cost of living index.

8. In the present case, the compensation is being reassessed as per the judgments mentioned above:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.5500/- per month
(ii)	50% of (i) above to be added as future prospects=	Rs.5500+Rs.2750=Rs.8250/- per month
(iii)	1/2 of (ii) deducted as personal expenses of the deceased=	Rs.8250-Rs.4125=Rs.4125 per month
(iv)	Compensation after multiplier of 18 is applied	Rs.4125 X 12 X 18= Rs.8,91,000/-
(v)	Loss of love and affection to parents	Rs.1,00,000/- (Rs.50,000/- each)
(vi)	Funeral charges	Rs.25,000/-
	Total Compensation awarded	10,16,000/-
	Enhanced amount of compensation	Rs.10,16,000-Rs.3,50,000=Rs.6,66,000/-

9. The enhanced amount of compensation of Rs.6,66,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellants shall also get interest @ 9% per annum from the date of filing of the claim petition, 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*. The remaining conditions of disbursal of amount shall remain unaltered.

10. Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

03.10.2017

(RITU BAHRI)
JUDGE

G Arora

Whether speaking/reasoned

Whether reportable

Yes

No