

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

**FAO No.1713 of 2014
Date of Decision: 26.09.2017**

Raj Rani and others

.....Appellants

Vs.

Jasbir Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.HPS Ishar, Advocate, for the appellants.

Mr.Binni Thomas, Advocate, for the Ins. Co.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 01.11.2013, passed by the learned Motor Accident Claims Tribunal, Rupnagar (for short, 'the Tribunal') vide which compensation to the tune of Rs.6,55,000/- was awarded to the claimants on account of death of Amarjit Sharma.

FACTS NOT IN DISPUTE

On 07.11.2012, at about 7:15 p.m., Amarjit Sharma was going on his bicycle from village Chatauli to his village Mugal Majri on Kurali-Ban Majra road, when a Bus No.PB-23E-4681 came in rash and negligent manner at a very high speed on the wrong side and hit the cycle of Amarjit Sharma. The Bus was driven rash and negligently by respondent No.1. Amarjit Sharma fell down on the road and received multiple injuries. His cycle was badly damaged. He was taken to Civil Hospital, Ropar, but he died on the same day. His postmortem examination was conducted on 08.11.2012. An FIR No.89 dated 08.11.2012 was registered under Sections

279 and 304-A IPC at Police Station Singh Bhagwantpur.

On issuing of notice, separate written statements have been filed by respondents No.1,2 and 3 and they had prayed for dismissal of the case.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 55 years old. 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/Salary	Rs.8,000/- X 12=Rs.96,000/- per annum.
2.	Deduction 1/3rd	Rs.96,000- Rs.32,000= Rs.64,000/-
3.	Annual loss of dependency after applying multiplier	Rs.64,000/- X 10= Rs.6,40,000/-
4.	Loss of consortium	Rs.10,000/-
5.	Funeral Expenses	Rs.5,000/-
	Assessed compensation	Rs.6,55,000/-

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;** '**Munna Lal Jain and another vs. Vipin Kumar Sharma and others, 2015(3) Recent Apex Judgments 459.** Learned counsel submits that the loss of consortium awarded by the Tribunal is on the lower side and further 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/Salary	Rs.8,000/- X 12=Rs.96,000/- per annum.
2.	Future prospect 15% (Aged 50-60 as per Rajesh-Rajbir case)	Rs.96,000/- + Rs.14400= Rs.1,10,400/- per annum
3.	Deduction 1/3rd.	Rs.1,10,400/- ---- Rs.36,800/-= Rs.73,600/- per annum.
2.	Annual loss of dependency after applying multiplier	Rs.73,600/- X 11= Rs.8,09,600/-
3.	Loss of consortium	Rs.1,00,000/-
4.	Love and affection (3 children Rs.50,000/- each)	Rs.1,50,000/-
5.	Funeral Expenses	Rs.25,000/-
	Reassessed compensation	Rs.10,84,600/-
	Enhanced compensation	Rs.10,84,600/- ---- Rs.6,55,000/- =Rs.4,29,600/-

Resultantly, the enhanced amount of compensation of Rs.4,29,600/- 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

26.09.2017
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No