

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

**FAO No.1307 of 2015
Date of Decision: 31.07.2017**

Smt.Ranbir Kaur and othersAppellants

Vs.

M/s HMT Limited and othersRespondents

FAO No.2034 of 2015

Oriental Insurance Co.Ltd.Appellant

Vs.

Ranbir Kaur and othersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ashwani Arora, Advocate, for
the appellants/claimants.

Mr.Ashwani Talwar, Advocate, for
respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 04.12.2014, passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') vide which compensation to the tune of Rs.22,81,700/- was awarded to the claimants on account of death of Baljinder Singh.

FACTS NOT IN DISPUTE

On 03.01.2013, the deceased Baljinder Singh was going to pay

border of Chandigarh-Panchkula. When he and one Charanjit Singh were coming back after paying obeisance to their house at Manimajra, Chandigarh, on their respective motorcycles, the offending Bus No.HR-68-8720 came in rash and negligent manner and struck against the motor cycle of deceased and front wheel of the bus ran over the head of the deceased and he died at the spot. It was averred that the accident in question occurred due to the negligence of the respondent No.1. The matter was reported to the police vide FIR No.3 of 03.01.2013 registered at Police Station, Mansa Devi Complex, Panchkula, for commission of offence under Section 279, 304-A of IPC.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 41 years old and the claimants have produce on the record any documentary evidence regarding income of the deceased. 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 per month	Rs.1,58,000/-
2.	30% future prospect	Rs.1,58,000/- + Rs.47,400/-
3.	Deduction of personal expenses 1/4th	Rs.2,05,400/- - Rs.51,350/-= Rs.1,54,050/-
4.	After applying multiplier loss of dependency :	Rs.1,54,050/- X14= Rs. 21,56,700/-
5.	Transportation & last rites expenses	Rs.25,000/-
6.	Consortium	Rs.1,00,000/-
	Total	Rs.22,81,700.00

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to

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'; Asha Verman and others vs.
Maharaj Singh and thers, 2015(2) RCR (Civil) 520 and Kalpanaraj and
others v. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil)
193. 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 per month	Rs.1,58,000/-
2.	30% future prospect	Rs.1,58,000/- + Rs.47,400/-
3.	Deduction of personal expenses 1/4th	Rs.2,05,400/- - Rs.51,350/-= Rs.1,54,050/-
4.	After applying multiplier	Rs.1,54,050/- X14= Rs. 21,56,700/-
5.	Transportation & last rites expenses	Rs.25,000/-
6.	Consortium	Rs.1,00,000/-

5.	Love and affection Rs.1,00,000 to each children (3 in number) and Rs.50,000/- each to the parents.	Rs.4,00,000/-
	Total reassessed compensation	Rs.26,81,700/-
	Enhanced compensation	Rs.26,81,700/- --- Rs.22,81,700/- Rs.4,00,000/-

Resultantly, the enhanced amount of compensation of Rs.4,00,000/- 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.

Since the appeal of the claimants/appellant has been allowed in the above terms, the appeal No.FAO No.2034 of 2015 filed by the Insurance Company/appellant against the compensation award to the claimant/respondent is dismissed.

(RITU BAHRI)
JUDGE

31.07.2017

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No