IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O No. 2274 of 2014
Date of decision:- 22.11.2017

Sarabjit Kaur and ors. ...Appellants

Versus

Mandeep Singh and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vishavjeet Bedi, Advocate
for the appellants

Mr Sanjiv Pabbi, Advocate and
Mr. R.C. Kapoor, 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, Patiala (for short, 'the Tribunal') to the tune of Rs.11,47,500/-, vide impugned award dated 03.10.2013.

2. The facts which are not in dispute are that on 18.02.2012, the deceased Kashmir Singh along with his cousin Jawinder Singh was coming from his village Mial Kalan to Patiala on a truck bearing registration No. PB-11-AK-7715. The truck was being driven at a normal speed. When they reached near the revenue limits of village Bhanra, their truck broke down and stopped there. When the deceased was trying to take driver's seat of the truck, one truck bearing registration No. HR-37-A-3960 being driven by respondent No. 2 at a high speed and struck against the deceased. Due to the accident, he fell on the road. Jaswinder Singh took the deceased to Rajindra Hospital, Patiala from where he was referred to Gian Sagar Hospital, Banaur

where he died.

3. As per the Tribunal, the deceased in the present case was 40 years old at the time of the accident. The Tribunal took the income of the deceased at Rs.5000/- per month and cut of 3/4th was applied and 50% was awarded towards future prospects and thereafter, applied the multiplier of 15, 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.10,12,500/- (7500X3/4X12X15). The claimants were awarded Rs.25,000/- for the last rites, Rs.1 lacs for loss of consortium and Rs.10000 towards loss of love and affection. The total compensation awarded to the claimants was Rs.11,47,500/-.

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 the 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-Insurance Company 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 be made to a judgment of Hon'ble

the Supreme Court of India in a case of ***National Insurance Company Ltd vs. Pranay Sethi and others, passed in Spl Leave Petition (Civil) No. 25590 of 2014, decided on October 31, 2017 wherein t***he issue with regard to awarding of amount under the conventional heads has been authoritatively decided, while observing as under :-

> *"54. As far as the conventional heads are concerned, we find it difficult to agree with the view expressed in Rajesh. It has granted Rs. 25,000/- towards funeral expenses, Rs. 1,00,000/- loss of consortium and Rs. 1,00,000/- towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi, it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it*

seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads."

8. In view of the above mentioned judgment, no ground is made out to interfere in the impugned award.

9 The appeal stands dismissed.

22.11.2017 **(RITU BAHRI)**
G Arora ***JUDGE***

Whether speaking/reasoned ***Yes***
Whether reportable ***No***