

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1790 of 2015
Date of Decision: 31.10.2017

Gulzar Kaur and others

.....Appellants

Vs.

Harminder Singh and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.S.S.Swaich, Advocate, for the appellants.

Mr.Rajbir Singh, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 13.05.2014, passed by the learned Motor Accident Claims Tribunal, Fast Track Court, Rupnagar (for short, 'the Tribunal') vide which compensation to the tune of Rs.5,35,200/- was awarded to the claimants on account of death of Buta Singh s/o Mann Singh.

FACTS NOT IN DISPUTE

On 12.06.2013, deceased Buta Singh was going towards his village Kahleelpur on his motorcycle bearing registration No.PB-12-M-5170 at normal speed on the left side of the road by observing traffic rules. At about 6:30 p.m., when he reached near village Bama Kulia a motorcycle bearing No.PB-12-P-0746, came from the side of village Kulia, driven by respondent No.1, rashly and negligently, struck the same with the motorcycle of Buta Singh from the front side. Due to that impact, Buta Singh fell down on the road and received injuries. Kuleep Singh S/o Sajjan

where the doctors referred him to PGI, Chandigarh. Buta Singh died at PGI on 13.06.2013 due to said accident. A formal FIR No.100 dated 13.06.2013 for the offence under Section 279, 304-A IPC was registered.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased-Buta Singh was 56 years old and he was retired from Army and was drawing pension of Rs.6600/- . The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. In view of the above, learned Tribunal had assessed the compensation as under:-

Sr.No.	Heads of compensation	Amount
1	Income	Rs.6600/- X 12= Rs.79200/- per annum
2.	Deduction 1/3rd	Rs.79,200/- --- Rs.26,400/-= Rs.52,800/-
3.	After applying multiplier annual loss of dependency	Rs.52800/- X 9= Rs.4,75,200/-
4.	Loss of consortium	Rs.30,000/-
5.	Funeral Expenses	Rs.30,000/-
	Total	Rs.5,35,200/-

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.

The co-ordinate Bench of this Court in the case of Gurmeet Kaur and others Vs. Mahavir Singh and others 2016(4) PLR 390 while assessing the compensation, granted the benefit of future prospect to the claimants because the deceased was working in the Army. The present case is squarely covered by the same judgment.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. Following the ratio of law laid down by the above mentioned judgments, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Income	Rs.6600/- X 12= Rs.79200/- per annum
2.	Future Prospect 15%	Rs.79,200/- + Rs.11880/-= Rs.91,080/-
2.	Deduction 1/3rd	Rs.91080/- --- Rs.30,360/-= Rs.60,720/-
3.	After applying multiplier annual loss of dependency	Rs.60,720/- X 9= Rs.5,46,480/-
4.	Loss of consortium	Rs.1,00,000/-
5.	Love and affection @ Rs.1,00,000/- to each child.	Rs.2,00,000/-
6.	Funeral Expenses	Rs.25,000/-
	Reassessed Compensation	Rs.8,71,480/-
	Enhanced compensation	Rs.8,71,480/- --- Rs.5,35,200/-= =Rs.3,36,280/-

Resultantly, the enhanced amount of compensation of Rs.3,36,280/- 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

31.10.2017

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No