

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

1. FAO No. 4031 of 2014

Amarjeet ...Appellant

Versus

Siri Chand Yadav and others ...Respondents

2. FAO No. 213 of 2015

Sunita ...Appellant

Versus

Siri Chand Yadav and others ...Respondents

Date of decision:- 05.09.2017

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Mukesh Yadav, Advocate
for the appellant in both cases.

Mr. Suman Jain, Advocate
for respondent No. 3

RITU BAHRI J. (Oral)

1. This order shall dispose of the above two appeals, having arisen out of the impugned Award dated 04.05.2013 passed by the learned Motor Accident Claims Tribunal, Narnaul (for short 'the Tribunal').

Facts not in dispute

2. On 14.12.2011, injured-Amarjeet and deceased-Bijender Singh were going to village Dongra Jat from Village Sihma on a motorcycle and Amarjeet was driving the motorcycle, on his left side. Bijender Singh was the pillion rider. When they reached in the area of bani of village Sihma, then a truck bearing registration No. RJ-32-GA-4051 being driven by respondent

No. 1 hit straight against the motorcycle, as a result thereof, both the occupants fell down and sustained grievous injuries. F.I.R No. 313 dated 14.12.2011 was registered under Sections 279/337/304-A IPC against respondent No. 1 in Police Station, Sadar Narnaul.

Arguments Advanced

3. Learned counsel for the appellant (Amarjit Singh) contends that the learned Tribunal awarded a very meager amount on account of loss of future enjoyment, on account of physical pain and mental agony, on account of loss of his earning capacity, on account of transportation and special diet.

4. Learned counsel for the appellant (Sunita) contends 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-Insurance Company has vehemently opposed the present appeal.

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

COMPENSATION ASSESSED BY THE MACT

Injured-Amarjit Singh

<i>Pain and Suffering</i>	<i>Rs.25,000/-</i>
<i>Special Diet and Attendant Service</i>	<i>Rs.10,000/-</i>
<i>Medical Bills</i>	<i>Rs.14,61,000/-</i>
<i>Loss of Enjoyment and amenities of life</i>	<i>Rs.44,000/-</i>
<i>Loss of Income</i>	<i>Rs.10,000/-</i>
<i>Total Compensation</i>	<i>Rs.15,50,000/-</i>

Deceased-Bijender Singh

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.4200/- monthly
(ii)	Loss of dependency	Rs.4200X1/4 th =Rs.3150/-
(iii)	Compensation after multiplier of 17 is applied	3150X12X17=Rs.6,42,600/-
(iv)	Loss of consortium	Rs.10000/-
(v)	Compensation on account of funeral expenses	Rs.10,000/-
	Total Compensation awarded	Rs.6,62,600/-

7. Feeling dissatisfied with the impugned award, appellants have preferred the present appeal .

REASSESSED COMPENSATION

8. It is not in dispute that the offending vehicle was fully insured with the Insurance company.

9. Reference at this stage can be made to a judgment passed by Hon'ble the Supreme Court in a case of ***New India Assurance Co. Ltd v. Gopali and others, 2012 (12) SCC 198*** whereby Hon'ble the Supreme Court in an old case of 1992 had taken the monthly income of deceased at Rs.3000/- and cut of 1/10th was imposed, keeping in view the fact that a person having a minimum income of Rs.3000/- could not think of spending 1/3rd of his income on himself.

10. The appeal preferred by the appellants is liable to be modified in view of the above mentioned judgments and the compensation is re-

assessed as under:-

Re-assessed Enhanced compensation

Injured-Amarjit Singh

<i>Pain and Suffering</i>	<i>Rs.25,000/-</i>
<i>Special Diet and Attendant Service</i>	<i>Rs.10,000/-</i>
<i>Enhanced Total compensation</i>	<i>Rs.35,000/-</i>

Deceased-Bijender Singh

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.5000/- per month
(ii)	50% of (i) above to be added as future prospects=	Rs.5000+Rs.2500=Rs.7500/- per month
(iii)	1/10 of (ii) deducted as personal expenses of the deceased=	Rs.7500-Rs.750=Rs 6750/- per month
(iv)	Compensation after multiplier of 17 is applied	Rs.6750 X 12 X 17= Rs.13,77,000/-
(v)	Loss of consortium to wife	Rs.1,00,000/-
(vi)	Loss of love and affection to minor daughter	Rs.1,00,000/-
(vi)	Loss of love and affection to parents	Rs.1,00,000/- (Rs.50,000/ each)
(vii)	Funeral charges	Rs.25,000/-
(viii)	Total Compensation awarded	Rs.17,02,000/-
(ix)	<i>Enhanced amount of compensation</i>	17,02,000 -06,62,600/-=Rs.10,39,400/-

11. Resultantly, the enhanced amount of compensation of Rs.35,000/- (in FAO No. 4031-2014) and Rs.10,39,400/- (in FAO No. 213-2015) 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.

12. With the aforesaid modification in the impugned award, the appeals stand partly allowed to the above extent.

September 05, 2017
G Arora

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>