

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.4571 of 2014 (O&M)  
Date of Decision: 03.08.2017

Sita Rani

.....Appellant

Vs.

Chhira Ram and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present:-** Mr.S.S.Momi, Advocate, for the appellant.

Mr.V.K.Garg, Advocate, for respondent No.3.

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**RITU BAHRI, J. (ORAL)**

**CM No.12956-CII of 2014**

Reply has been filed in the application by counsel for respondent-Insurance Company. The same is taken on record.

Applicant/appellant was advised by her counsel that she can file an appeal before the Hon'ble High Court after getting compensation amount and certified copy of the award, thereafter, the applicant started collecting all the document, which was necessary for the filing of the appeal. As per ration Card (Annexure A-1), the applicant/appellant has become major in the year 2013 and an application for releasing the amount of FDR No.135580 was filed before the MACT, Kurukshetra, which was allowed vide order dated 01.05.2013 by MACT, Kurukshetra. It is pertinent to mention here that claim of the one of the claimant i.e Sube Lal was dismissed by the learned Tribunal as such, the appeal could not be filed qua him for enhancement.

to collect the all relevant document applicant/appellant could not file appeal before this Court within limitation period. So, In view of the reasons mentioned hereinabove, delay of 3985 is condoned accordingly.

**Main Case**

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 18.12.2002, passed by the learned Motor Accident Claims Tribunal, Kurikshetra (for short, 'the Tribunal') to the tune of Rs.2,11,600/-.

**FACTS NOT IN DISPUTE**

On 26.09.1999, Shankar Lal was going from village Murtazapur side towards Pehowa road, on the due left side of the road. At 12:00 noon on the same day Chira Ram-respondent No.1 driving truck bearing No.HR-37-6487 rashly and negligently, at a high speed came from Pehowa side and struck against cycle of Shankar Lal by taking the truck on wrong side of the road, near New Basti, Sandholi. Shankar Lal suffered multiple injuries on head and other parts of the body and died on the spot. One Gurdeep Singh son of Kharak Singh, present at the site of accident, witnessed the accident and reported the matter to police and a formal FIR against Chira Ram driver of the offending truck has been registered at Police Station Pehowa. The claimant was the minor daughter of Shankar Lal.

**COMPENSATION ASSESSED BY MACT**

The Tribunal held that the deceased was 30 years old and the claimants failed to 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      | Salary per month              | Rs.1800/-                     |
| 2.     | Loss of dependency (1/3)      | Rs.1800 --- Rs.600= Rs.1200/- |
| 3.     | Annual loss of dependency     | Rs.1200/- X 12= Rs.14,400/-   |
| 4.     | After applying multiplier     | Rs.43,000 X 14= Rs.2,01,600/- |
| 5.     | Transportation and last rites | Rs.10,000/-                   |
|        | Total                         | Rs.2,11,600/-                 |

‘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'; 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. I have heard learned counsel for the parties and perused the record.

***RE-ASSESSED COMPENSATION***

It is not in dispute that the offending vehicle was fully insured with the Insurance company. The claimant is now an orphan. 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      | Salary per month          | Rs.1800/-                                         |
| 2.     | Loss of dependency (1/10) | Rs.1800 --- Rs.180/-= Rs.1620/-                   |
| 3.     | Annual loss of dependency | Rs.1620/- X 12= Rs.19,440/-                       |
| 4.     | After applying multiplier | Rs.19440 X 18= Rs.3,49,920/-                      |
| 6.     | Love and affection        | Rs.1,00,000/-                                     |
| 7.     | Transportation            | Rs.10,000/-                                       |
|        | Total                     | Rs.4,59,920/-                                     |
|        | Enhanced compensation     | Rs.4,59,920/- --- Rs.2,11,600/-=<br>Rs.2,48,320/- |

Resultantly, the enhanced amount of compensation of Rs.2,48,320/- 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

03.08.2017  
*anil*

*Whether speaking/reasoned Yes/No*

*Whether reportable Yes/No*