

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2966 of 2015 (O&M)

Date of Decision: 08.08.2017

Bhupender Singh

.....Appellant

Vs.

Mahipal and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sudhir Aggarwal, Advocate, for the appellant.

Mr.Sunny Bhardwaj, Advocate, for respondent No.1.

Mr.Subhash Goyal, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

CM No.8965-CII of 2015

For the reasons stated in the application, delay of 29 days in filing the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the claimant-appellant (for short 'the appellants'), against award dated 08.12.2014, passed by the learned Motor Accident Claims Tribunal, Gurgaon (for short, 'the Tribunal') vide which compensation to the tune of Rs.7,18,000/- was awarded to the claimant on account of death of deceased Smt.Renu @ Reena wife of the claimant.

FACTS NOT IN DISPUTE

On 06.08.2013, the deceased Renu @ Reena along with his

P.S.Farrukh Nagar, Gurgaon, was coming from village Rampura to her village Karola by motorcycle bearing registration No.HR-76-8241 which was being driven by brother of deceased. The deceased was pillion rider. When they reached near village Uncha Majra, Tehsil Pataudi, District Gurgaon, in the meantime, the Tralla bearing registration No.HR-39A-8081 came from back side being driven by its driver in a fast speed, rashly and negligently and without due care and caution and had hit the motorcycle from the side. Due to this accident, the deceased along with motorcycle fell down on the road and sustained injuries and died due to the injuries. A criminal case under Section 279, 304-A IPC vide FIR No.293 dated 6.08.2013 was registered in P.S.Pataudi against respondent No.1 on the statement of Manish Kumar.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 20 years old as per affidavit tendered by her claimant/husband. 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	Rs.3,000/-
2.	Loss of dependency after applying the multiplier	Rs.3,000/- X 12 X 18=Rs.6,48,000/-
3.	Transportation and Funeral expenses	Rs.20,000/-
4.	Love and affection	Rs.50,000/-
	Total	Rs.7,18,000/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to the enhanced, in view of the judgment "**Sarla Verma and others vs. Delhi**

Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54;
'Munna Lal Jain and another vs. Vipin Kumar Sharma and others.

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 (As per daily wages in Haryana)	Rs.6,000/-
2.	Loss of dependency after applying the multiplier	Rs.6,000/- X 12 X 18= Rs.12,96,000/-
3.	Transportation	Rs.10,000/-
4.	Funeral Expenses	Rs.25,000/-
5.	Love and affection	Rs.50,000/-
6.	Loss of consortium	Rs.1,00,000/-
	Total	Rs.14,81,000/-
	Enhance amount of compensation	Rs.14,81,000/- ----- Rs.7,18,000/-= Rs.7,63,000/-

Resultantly, the enhanced amount of compensation of Rs.7,63,000/- 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.

(RITU BAHRI)
JUDGE

08.08.2017

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No