

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-5444-2013

Date of Decision:- 01.08.2017

Sukhcharan Singh and another

.....Appellants

Versus

Harpreet Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jaideep Verma, Advocate,
for the appellants.

Ms. Sarika Gupta, Advocate
for respondent No.2.

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

RITU BAHRI, J. (Oral)

Present appellants have come up in appeal against the Award dated 07.11.2012, passed by learned Motor Accident Claims Tribunal, Rupnagar (for short “the Tribunal”) whereby the learned Tribunal has awarded the compensation to the tune of ₹3,00,000/- to the appellants.

FACTS NOT IN DISPUTE

On 24.09.2011, deceased Joga Singh was coming from the Rupnagar side to his village Kheri on his motor bike bearing registration No.PB-12-N-6514 in a slow speed by following all traffic rules. At about

7.00/7.30 PM when he reached near stone crusher in the area of village Santokgarh Tapprian. Suddenly, a motorcycle PB-27-C-5128 came in a high speed from the side of stone crusher which was rash and negligently manner by respondent No.2 and strucked against the deceased. Due to the impact, deceased fell down on the road and received multiple grievous injuries and compound fractures. He was taken to Civil Hospita Rupnagar where he succumbed to his injuries.

The Tribunal held that the deceased was 22 years old and the compensation has been assessed after taking the dependency of claimants as Rs.3,000/- per month. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

COMPENSATION ASSESSED BY MACT

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	₹3000/- X 12 = ₹36000/-
(ii)	Compensation after multiplier of 8 is applied	₹36,000 X 8 = ₹2,88,000/-
(iii)	Funeral expenses	₹12000/-
	Total compensation	₹3,00,000/-

Learned counsel for the claimants-appellants 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 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 others, 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 compensation awarded by the Tribunal is on the lower side and further nothing has been awarded towards love and affection to parents, who were 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.

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:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	₹5000/- per month
(ii)	50% Future prospects	₹5000/- + ₹2500/- = ₹7500/-
(iii)	Less ½ on account of dependency	₹7500 – 3750 = ₹3,750/-
(iii)	Compensation after multiplier of 18 is applied	₹3,750 X 12 X 18 = ₹8,10,000/-
(iv)	Funeral expenses	₹25000/-
(v)	Loss of love and affection to parents	₹1,00,000 (₹50,000/- each)
(ix)	Total Compensation awarded	₹9,35,000/-
(x)	Enhanced amount of compensation	₹9,35,000 – ₹3,00,000/- = ₹6,35,000/-

9. Resultantly, the enhanced amount of compensation of **₹6,35,000/-** 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.

August 01, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No