

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.5593 of 2014
Date of Decision: 03.08.2017

Jasvinder Kaur and others

.....Appellants

Vs.

Govind Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:-

Mr.Ishan Cooner, Advocate, for the appellant.

Mr.S.S.Sangwal, Advocate, for respondents No.1 and 2.

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

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (forshort 'the appellants'), against award dated 22.03.2014, passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') to the tune of Rs.5,77,000/-.

FACTS NOT IN DISPUTE

On 12.10.2012, Bhupinder Singh deceased was going from Jalmana on his motorcycle No.HR-05-AF-8246 and Varinder Singh was following him on his separate motorcycle No.HR-05L-8609. Balbir singh was the pillion rider on his motorcycle. When they reached near Culvert of canal on Karnal-Assajdh Road, in the meantime, the offending vehicle being driven by its driver in a rash and negligent manner came from opposite side and hit the motorcycle of Bhupinder singh, who fell down and suffered fatal injuries. After the accident, the driver fled away from the place of accident

leaving his Canter TATA-407. Bhupinder Singh was taken to hospital, where he was declared brought dead. The matter was reported to the police and an FIR No.484 dated 12.10.2012 for the offence under Sections 279/304A IPC was registered.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 49 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.4800/-
2.	Loss of dependency (¼)	Rs.4800 --- Rs.1200= Rs.3600/-
3.	Annual dependency	Rs.3600/- X 12= Rs.43,200/-
4.	After applying multiplier	Rs.43,200 X 13= Rs.5,61,600/-
5.	Transportation, last rites and loss of consortium	Rs.15,000/-
	Total	Rs.5,76,600/- rounded of Rs.5,77,000/-

‘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. 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:-

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Sr.No.	Heads of compensation	Amount
1	Salary per month	Rs.4800/-
2.	Future prospect Rs.30%	Rs.4800/- + Rs.1440/-= Rs.6240/-
3.	Loss of dependency (¼)	Rs.6240 --- Rs.1560= Rs.4680/-
4.	Annual dependency	Rs.4680/- X 12= Rs.56160/-
5.	After applying multiplier	Rs.56160 X 13= Rs.7,30,080/-
6.	Love and affection Widow-Rs.1,00,000/- 4 children- Rs.50000 each	Rs.3,00,000/-
5.	Funeral expenses	Rs.25,000/-
	Total	Rs.10,55,080
	Enhanced compensation	Rs.10,55,080 --- Rs.5,77,000= Rs.4,78,080/-

Resultantly, the enhanced amount of compensation of Rs.4,78,080/- 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

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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*