

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

**FAO-6369-2013**

**Date of decision:- 01.08.2017**

**Anita Rani and others**

**....Appellants**

**Versus**

**C.T.U. and another**

**....Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present:- Mr. Pankaj Katia, Advocate  
for the appellants

Respondents proceeded ex-parte.

**RITU BAHRI J. (Oral)**

The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 30.01.2013 passed by the learned Motor Accident Claims Tribunal, SAS Nagar (Mohali) (for short, 'the Tribunal') to the tune of Rs.8,36,200/-.

**FACTS NOT IN DISPUTE**

Deceased, who was running a tea/snack shop on 25.05.2012 was on his way to deliver tea cups near Walia Photo Studio, Banur. At about 4.00 PM, after crossing one side of the road he was standing on the divider waiting for the road to clear on the other side. The offending bus bearing registration No.CH-01-G-5244 being driven in a rash and negligent manner came from the side of Chandigarh. The said offending bus was trying to

over take another bus, suddenly, the bus lost control and swerved towards the divider where Sant Ram deceased was standing and struck him. He fell down and sustained injuries. He was taken to Gian Sagar Hospital, Banur from where he was referred to Civil Hospital, Sector 32, Chandigarh. On 27.05.2012, he succumbed to the injuries.

The learned counsel for the claimants-appellants contends that 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 Vs. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil) 193.

I have heard learned counsel for the appellants and perused the record.

#### **COMPENSATION ASSESSED BY MACT**

The learned Tribunal took the income of the deceased at ₹6000/- per month and added 30% future prospects. Thereafter, a cut of 1/3<sup>rd</sup> and multiplier of 13 was applied. The total loss of dependency to the family comes to ₹8,11,200/- . Further the claimants were awarded ₹10,000/- towards funeral expenses and ₹5000 towards transportation of dead body and ₹10,000/- towards loss of consortium.

**RE-ASSESSED COMPENSATION**

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 Vs. 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 ₹3000/- and cut of 1/10<sup>th</sup> was imposed, keeping in view the fact that a person having a minimum income of ₹3000/- could not think of spending 1/3<sup>rd</sup> of his income on himself.

Keeping in view 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                                                     | ₹6,000/- per month                                         |
| (ii)           | 30% of (i) above to be added as future prospects           | ₹6,000 + ₹1,800=₹7,800/- per month                         |
| (iii)          | 1/10 of (ii) deducted as personal expenses of the deceased | ₹7800 - ₹780 = ₹7,020 per month                            |
| (iv)           | Compensation after multiplier of 13 is applied             | ₹7,020 x 12 x 13= ₹10,95,120/-                             |
| (v)            | Loss of consortium                                         | ₹1,00,000/-                                                |
| (vi)           | Loss of love and affection to three children               | ₹3,00,000/- (₹1,00,000/- to each child)                    |
| (vii)          | Loss of love and affection to father                       | ₹50,000/-                                                  |
| (viii)         | Funeral charges                                            | ₹25,000/-                                                  |
|                | Total Compensation awarded                                 | ₹15,70,120/-                                               |
|                | Enhanced amount of compensation                            | ₹15,70,120 - ₹8,36,200 = ₹7,33,920 rounded of to ₹7,34,000 |

Resultantly, the enhanced amount of compensation of ₹7,34,000/- 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  |