

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

FAO No.4220 of 2015 (O&M)

Date of Decision: 15.11.2017

Suman and Others

.....Appellants

Vs.

Surinder Suri and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Surinder Sharma, Advocate,
for the appellants.

Mr.Suvir Dewan, Advocate,
for respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

CM No.13504-CII of 2015

For the reasons stated in the application, delay of 82 days in
refiling the appeal is condoned.

Application stands disposed of.

CM No.13505-CII of 2015

For the reasons stated in the application, delay of 583 days in
filing the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the claimants-appellants
(for short 'the appellants'), against award dated 13.02.2013, passed by the
learned Motor Accident Claims Tribunal, Jalandhar (for short, 'the
Tribunal') vide which compensation to the tune of Rs.16,04,440/- was
awarded to the claimants on account of death of Chaman Lal

FACTS NOT IN DISPUTE

On 01.02.2009, at about 8 p.m., complainant Daulat Ram was
coming to Jalandhar from his village Pachranga on his scooter and in front
of him, his nephew Chaman Lal (since deceased) who is serving as Head

Constable in Punjab Police, was going to Jalandhar on his own scooter bearing No.PB08-L-4355. When they were going ahead of village Nizamuddin on their left side, then a truck bearing No.HR38-G-7627 came with very fast speed without blowing any horn and it ran over the scooter of Chaman Lal and he came under the said truck and injured. He was admitted in Civil Hospitl, Kala Bakra with the help of said truck driver i.e. respondent No.2. However, Chaman Lal scummed to injuries. A formal FIR 24 dated 02.02.2009 for the offence under Sections 279, 427, 304A IPC has been registered against the driver of the truck.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 53 years old as per postmortem report and the claimants has produce on the record 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 annum	Rs.18005/- X 12= Rs2,16,060/-
2.	Deduction 1/3rd	Rs.2,16,060/--- Rs.72,020/=- Rs.1,44,040/-
3.	Annual loss of dependency after applying multiplier	Rs.1,44,040 X 11= Rs.15,84,440/-
4.	Loss of estate	Rs.5,000/-
5,	Loss of consortium	Rs.5,000/-
6.	Funeral expenses	Rs.10,000/-
	Total	Rs.16,04,440/-

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 Transport Corporation and another, 2009 (3) RCR (Civil) Page 77'; National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017** 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	Salary per annum	Rs.18005/- X 12= Rs.2,16,060/-
2.	Future prospect as per judgment Pranay Sethi (Supra) 15%	Rs.2,16,060/- + Rs.32409/-= Rs.2,48,469/-
2.	Deduction 1/3rd	Rs.2,48,469/--- Rs.82,823/-= Rs.1,65,646/-
3.	Annual loss of dependency after applying multiplier	Rs.1,65,646/- X 11= Rs.18,22,106/-
6.	Conventional heads as per judgment Pranay Sethi (Supra)	Rs.70,000/-
	Total	Rs.18,92,106/-
	Enhanced amount of compensation	Rs.18,92,106/- ----- Rs.16,04,440/-= Rs.2,87,666/-

Resultantly, the enhanced amount of compensation of Rs.2,87,666/- 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

15.11.2017
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