IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 6031 of 2014
Date of decision:- 25.09.2017

Anpurna and others ...Appellants

Versus

Lovely Dhiman and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms. Jaspal Kaur Gurna, Advocate
for the appellants

Mr. Suman Jain, Advocate
for respondent-Insurance Company

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 19.10.2012 passed by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') to the tune of Rs.4,70,901/-.

FACTS NOT IN DISPUTE

2. On 11.07.2007, Mani Kant along with Dinesh Singh had stopped on their left side at Chaudhary Dhaba Harbanspura Biza Road, Mehndipur for dinner. Hira Lal @ Hira Kant brother of the deceased was standing at a distance from them. Thereafter, a car bearing registration No. CH-03-N-6380 make Skoda being driven by respondent No. 1 came at a very high speed and hit the motorcycle of the deceased and Dinesh Singh by coming from Ludhiana side without blowing any horn. Due to this accident, both of them fell on the road. The deceased suffered multiple injuries on the body and Dinesh Singh also suffered injuries on his body with fracture on his right leg. Mani Kant died and F.I.R was registered in this regard.

3. The learned counsel for the claimants-appellants contends that the compensation awarded by the learned 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' 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 v. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil) 193. Learned counsel for the appellants further contends that since deceased was working as a skilled labourer, the learned Tribunal had wrongly taken the income of the deceased at Rs.3000/- only.

4. On the other hand, the learned counsel for the respondents-Insurance Companies have vehemently opposed the present appeal.

5. I have heard learned counsel for the parties and perused the record.

COMPENSATION ASSESSED BY MACT

Sr. No.	***Heads***	***Calculations***
(i)	Salary	Rs.3000/- per month
(ii)	1/3rd of (i) deducted as personal expenses of the deceased=	Rs.3000-Rs.1000=Rs.2000 per month
(iii)	Annual Dependency	Rs.2000X12=Rs.24000/-
(iv)	Compensation after multiplier of 15 is applied	Rs.24000X15= Rs.3,60,000/-
(v)	Loss of consortium	Rs.10,000/-
(vi)	Funeral charges and loss of estate	Rs.10,000/-
(vii)	Medical expenses	Rs.90,901/-
	Total Compensation awarded	Rs.4,70,901/-

RE-ASSESSED COMPENSATION

6. It is not in dispute that the offending vehicle was fully insured from their respective Insurance company. Its genuineness is also not under challenge.

7. Reference at this stage can further been made to a judgment of Hon'ble the Supreme Court of India in a case of ***Jakir Hussein vs. Sabir and others, 2015 ACJ 721*** wherein Hon'ble the Supreme Court has held that the wage rate as per the minimum wage notification is only a yardstick and not an absolute factor to be taken to determine the compensation under

the future loss of income. Minimum wage may at times fail to meet the requirements that are need to maintain the basic quality of life since it is not inclusive of factors of cost of living index.

8. Keeping in view the above mentioned judgment and the fact that the claimants have proved that the deceased was earning Rs.11172 per month, as admitted by R.W.3 who was working with KSM Spinning Mills, this Court feels that the income taken by the Tribunal of Rs.3000/- per month is on the lower side and deserves to be enhanced.

9 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***	***Calculations***
(i)	Salary	Rs.10000/- per month
(ii)	50% of (i) above to be added as future prospects=	10000+5000=Rs.15000/- per month
(iii)	1/3rd of (ii) deducted as personal expenses of the deceased=	15000-5000=Rs.10000 per month
(iv)	Compensation after multiplier of 15 is applied	Rs.10000X 12 X 15= Rs.18,00,000/-
(v)	Loss of consortium	Rs.1,00,000/-
(vi)	Loss of love and affection to three children	Rs.3,00,000/- (Rs. 1,00,000/- each)
(vii)	Loss of love and affection to mother	Rs.50,000/-
(viii)	Medical expenses	Rs.90,901/-
(ix)	Funeral charges	Rs.25,000/-
	Total Compensation awarded	Rs.23,65,901/-
	Enhanced amount of compensation	***23,65,901-4,70,901=Rs.18,95,000/- (rounded off to Rs.18,95,000/-)***

10. Resultantly, the enhanced amount of compensation of ***Rs.18,95,000/-*** 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.

11. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

September 25, 2017 (***RITU BAHRI***)
G Arora ***JUDGE***

Whether speaking/reasoned ***Yes***
Whether reportable ***No***