

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.6108 of 2014  
Date of Decision: 04.10.2017

Bimla Devi and others

.....Appellants

Vs.

Mahabir and Others

.....Respondents

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

**Present:-** Mr.J.P.Sharma, Advocate,for the appellants.

Mr.Rao Ajender Singh, Advocate, for  
respondents No.1 and 2.

Mr.Neeraj Khanna, Advocate, for  
Mr.Ravinder Arora, Advocate, for respondent No.3.

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**RITU BAHRI, J. (ORAL)**

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 03.09.2013, passed by the learned Motor Accident Claims Tribunal, Narnaul (for short, 'the Tribunal') vide which compensation to the tune of Rs.7,07,200/- was awarded to the claimants on account of death of Mohan.

**FACTS NOT IN DISPUTE**

On 06.11.2011, deceased Mohan Singh and Ram Partap along with other persons had gone to village Maghot to attend a marriage. After attending the marriage, deceased Mohan singh and Ram Partap along with Mahabir son of Gyarsi and Karan Singh son of Gudan Singh were coming back in the offending vehicle. The offending vehicle was being driven by

respondent No.1 in a rash a negligent manner. At around 11 PM their

vehicle reached at T Point Nizampur road. Due to the fast speed of the vehicle, the respondent No.1 lost control of his vehicle and the vehicle fell into ditches. Mohan and other passengers sustained several injuries. A formal FIR Ex.P-6 has been registered against the driver for the offence under Section 279/337 IPC.

**COMPENSATION ASSESSED BY MACT**

The Tribunal held that the deceased was 51 to 52 years old as per the driving licence Ex.P30 of deceased-Mohan. 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      | Income                      | Rs.6,000/- X 12= Rs.72,000/- per annum. |
| 2.     | Future Prospect 15%         | Rs.72,000/- + Rs.10,800= Rs.82,800/-    |
| 3.     | Deduction 1/3rd             | Rs.82,800/- Rs.27,600/-= Rs.55,200      |
| 4.     | After applying multiplier   | Rs.55200 X 11= Rs.6,07,200/-            |
| 5.     | Loss of consortium          | Rs.50,000/-                             |
| 6.     | Loss of Estate              | Rs.25,000/-                             |
| 7.     | Funeral Expenses            | Rs.25,000/-                             |
|        | Total assessed compensation | Rs.7,07,200/-                           |

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 **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'** 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      | Income                                         | Rs.6,000/- X 12= Rs.72,000/- per annum.              |
| 2.     | Future Prospect 15%                            | Rs.72,000/- + Rs.10,800= Rs.82,800/-                 |
| 3.     | Deduction 1/3rd                                | Rs.82,800/- Rs.27,600/-= Rs.55,200                   |
| 4.     | After applying multiplier                      | Rs.55200 X 11= Rs.06,07,200/-                        |
| 5.     | Loss of consortium                             | Rs.1,00,000/-                                        |
| 6.     | Loss of Estate                                 | Rs.25,000/-                                          |
| 7.     | Funeral Expenses                               | Rs.25,000/-                                          |
| 8.     | Love and affection<br>Rs.1,00,000/- X 2 minors | Rs.2,00,000/-                                        |
|        | Total reassessed compensation                  | Rs.09,57,200/-                                       |
|        | Enhanced compensation                          | Rs.09,57,200/- -----<br>Rs.07,07,200/-=Rs.2,50,000/- |

Resultantly, the enhanced amount of compensation of Rs.2,50,000/- 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.

**(RITU BAHRI)**  
**JUDGE**

**04.10.2017**

*anil*

*Whether speaking/reasoned Yes/No*

*Whether reportable Yes/No*