

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3771 of 2016 (O&M)

Date of Decision:- 13.12.2017

Pritam Chand and another

.....appellants

Versus

PRTC and others

.....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Ashwani Arora, Advocate, for the appellants.

Mr.Ashok Kumar Singla, Sr.DAG, Punjab.

RITU BAHRI, J. (Oral)

CM No.12882-CII-2016

For the reasons stated in the application, delay of 389 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 08.12.2014, passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') vide which compensation to the tune of Rs.16,00,872/- was awarded to the claimants on account of death of Sampurna Kumari wife of Pritam Chand.

FACTS NOT IN DISPUTE

On 30.06.2012, the deceased was going from Chandigarh to Patiala while sitting in a bus bearing registration No.PB11-P-7406 being driven at fast speed and in a rash and negligent manner by Jagir Singh respondent No.3. When the bus was going on road leading from Rajpura to Patiala and reached near Village Kauli at about 3 PM. It went out of control due to more speed and turned turtle. As a result of this accident, the claimant and other occupants received injuries. The claimants and other occupants were taken to Rajendra Hospital, Patiala where, they were

referred to PGI, Chandigarh, where, after treatment she has succumbed to the injuries and died. The FIR No.113 dated 30.06.2012 had been registered for offences punishable under Section 279, 337, 338, 304-A of IPC in police station Sadar Patiala.

COMPENSATION ASSESSED BY MACT

The learned Tribunal has held that the deceased Sampurna Kumar was 29 years old at the time accident as per Ex.P45 to Ex.P53 i.e. certificate regarding qualification. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. Learned Tribunal after going through the evidence and medical record, compensation assessed as under:

Sr.No.	Heads of compensation	Amount
1	Income	Rs.7416 per month
2.	Future prospect 50%	Rs.7416/- + Rs.3708/-= Rs.11,124/-
3.	Deduction 1/3 rd	Rs.11,124/- --- Rs.3708/-= Rs.7416/-
3.	Total loss of dependency after applying the multiplier	Rs.7416/- X 12 X 16= Rs.14,23,872/-
4.	Loss of consortium	Rs.1,00,000/-
5.	Loss of love and affection	Rs.50,000/-
6.	Funeral Expenses	Rs.25,000/-
7.	Costs	Rs.2,000/-
	Total	Rs.16,00,872/-

Learned counsel for the claimants-appellant has referred to the judgment of Hon'ble Supreme Court in the case of **Laxmidhar Nayak and others Vs. Jugal Kishore Behera and others** where it is held that the deceased being a woman and mother of three children , would have also contributed her physical labour for maintenance of household and also taking care of her children. The High Court as well as Tribunal did not keep in view the contribution of the deceased in the household work. So, this observation should be taken into consideration while assessing the compensation. He further submits that compensation should be enhanced in view of the judgment of **Sarla Verma and others vs. Delhi Transport**

Corporation and another, 2009 (3) RCR (Civil) Page 77 and National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017.

Learned counsel for the Insurance Company has opposed the contention of counsel for the appellants and prayed for dismissal of appeal.

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. Since the accident took place on 30.06.2012, Rs.3,000/- also has been taken as compensation including the salary of the deceased and compensation is being re-assessed as under:-

Sr.No.	Heads of compensation	Amount
1	Income	Rs.7416 + Rs.3000/- per month
2.	Future prospect 50%	Rs.10416/- + Rs.5208/-= Rs.15,624/-
3.	Deduction 1/3 rd	Rs.15,624/- --- Rs.5208/-= Rs.10,416/-
4.	Total loss of dependency after applying the multiplier (17 as per Sarla Verma judgment)	Rs.10,416/- X 12 X 17= Rs.21,24,864/-
5.	Conventional heads as per as per judgment Pranay Sethi (Supra)	Rs.70,000/-
6.	Costs	Rs.2,000/-
	Total	Rs.21,96,864/-
	Enhanced amount of compensation	Rs.21,96,864/- ---- Rs.16,00,872/-= Rs.5,95,992/-

Resultantly, the enhanced amount of compensation of Rs.5,95,992/- 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.

13.12.2017
anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>