

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

F.A.O No. 5474 of 2015

Date of decision:- 15.12.2017

Jaswinder Kaur

...Appellant

Versus

Jatinder Singh and Others

...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Jaideep Verma, Advocate,
for the appellant.

Mr. Lalit Garg, Advocate,
for the Insurance Company.

RITU BAHRI J. (Oral)

1. The present appeal has been filed by the claimant-appellant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Rupnagar (for short, 'the Tribunal') to the tune of Rs.3,57,000/-, vide impugned award dated 03.03.2015.

2. The facts which are not in dispute are that on 17.09.2014, deceased-Varinder Singh along with his brother Jatinder Singh was going on Motor Cycle bearing Registration No. PB-12-U-0993 from village Majri Thekedaran towards village Sheikhpura. Jatinder Singh was driving the motor cycle with proper care and caution on the left side of the road and Virender Singh was a pillion rider. When they reached near T-point of village Bhaini on Ropar-Bela road, it was about 1.00 pm, Varinder Singh started vomiting by bending towards left side of the Motor Cycle due to which Jatinder Singh lost control over the motor cycle and the motor cycle got imbalanced and struck against the Burji on left side of the road and both the occupants fell down. Jatinder Singh received internal injuries, whereas

Varinder Singh received multiple grievous injuries on his head and other parts of the body. He was taken to Civil Hospital, Ropar, where he was declared dead. The postmortem on the dead body was conducted at Civil Hospital, Ropar on 18.09.2014. Regarding accident, DDR No. 12 dated 17.09.2014 was registered on the statement of Jatinder Singh at PP Bela, Police Station,Chamkaur Sahib.

3. After filing the DDR a claim petition under Section 163-A of Motor Vehicle Act for grant of compensation filed by Jaswinder Kaur on account of death of her son Varinder Singh in road accident.
4. As per the findings of the Tribunal, claimant herself stepped in to the witness box as Ex. PW1 and disposed that the deceased was 19 years old at the time of the accident and he was a student. The Tribunal assumed the income of the deceased (as he was a student) as Rs.36,000/- per annum out of which 1/2nd was deducted towards personal expenses and thereafter, applied the multiplier of 19. Total compensation amount has been assessed by the Tribunal as under :

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.3000/- per month
(ii)	1/2 of (i) deducted as personal expenses of the deceased=	Rs.3000-Rs.1500=Rs.1500/-per month
(iii)	Compensation after multiplier of 19 is applied	Rs.1500X 12 X 19= Rs.3,42,000/-
(iv)	Compensation towards funeral expenses	Rs.10,000/-
(v)	Transportation expenses	Rs. 5,000/-
	Total Compensation awarded	Rs. 3,57,000/-

Hence, total amount awarded by the Tribunal to claimant is Rs. 3,57,000/- vide impugned order dated 03.03.2015.

5. 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 and Learned counsel for the claimant further states that no future prospects has been granted.

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

7. Reference at this stage can be made to a judgment of Hon'ble the Supreme Court of India in a case of *National Insurance Company Ltd vs. Pranay Sethi and others, passed in Spl Leave Petition (Civil) No. 25590 of 2014, decided on October 31, 2017.*

8. In the present case, the compensation is being reassessed as under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.3000/- per month
(ii)	1/3 rd of (i) deducted as personal expenses of the deceased=	Rs.3000-Rs.1000=Rs.2000/- per month
(iii)	Compensation after multiplier of 16 is applied	Rs.2000X 12 X 16= Rs.3,84,000/-
(iv)	Conventional heads as per Second Schedule is	Rs.4500/-
	Total Compensation awarded	Rs. 3,88,500/-
	Enhanced amount of compensation	Rs.3,88,500-Rs.3,57,000=Rs.31,500/-

9. The enhanced amount of compensation of Rs.31,500/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellants shall also get interest @ 9% per annum from the date of filing of the claim petition, 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.* The remaining conditions of disbursal of amount shall remain unaltered.

10. Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

December 15th 2017

Riya Grover

(RITU BAHRI)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No