

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 5617 of 2015

Date of Decision: 11.10.2017

Rajwant Kaur and others

...Appellants

Vs.

Shingara Singh and others

...Respondents

CORAM:-HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: None for the appellant.

Mr. Ranjeesh Malhotra, Advocate,
for respondent No.3.

RAJIV NARAIN RAINA, J. (Oral)

1. Since I propose to increase compensation under more than one head, it may not be necessary to hear the claimants as they might be satisfied with the dispensation handed down.
2. There is no dispute on facts that the driver of the offending vehicle held a valid driving licence at the time of accident and the offending vehicle was insured with the respondent SBI-General Insurance Company Limited. The deceased was 34 years old on the date of accident, i.e., 04.10.2014 and an FIR was lodged against the driver of the offending truck No. PB-12-M-9301 who is stated to be facing trial. The claimants asserted that their deceased breadwinner was a Tractor and Motor Mechanic and also engaged in agricultural work and dairy farming, which is not unusual in rural societies.
3. The Motor Accident Claims Tribunal, Rupnagar, vide award dated 06.05.2015 has for good and sufficient reasons assumed the income @ ₹ 8,000/- per month as a skilled worker and applied 50% increase in income and the figure works out to ₹12,000/-p.m. which is annualized at

₹ 1,44,000/-. One third of the income has been deducted towards personal expenditure of the deceased and the annual dependency of claimants determined as ₹ 96,000/-

4. Looking to the age of the deceased, the multiplier of 16 was appropriate and in this manner compensation has been assessed at ₹ 15,36,000/- including under the conventional heads. Claimant Rajwant Kaur has been granted ₹ 1,00,000/- as loss of consortium, which is also proper. However, the Tribunal has awarded ₹ 5,000/- for transportation and ₹ 10,000/- towards funeral expenses, but it should be ₹ 25,000/- as per case of 'Rajesh vs. Rajbir Singh', (2013) 9 SCC 54. However, the Tribunal has failed to grant compensation for loss of love and affection for the two minor children and for loss of guidance of the father, who deserves at least ₹ 1,00,000/- each. In this manner, compensation awarded deserves to be enhanced by ₹ 2,15,000/-.

5. It is ordered accordingly.

6. I would refrain from tinkering with the rate of interest at 9% on the compensation which has been awarded by the Tribunal in its discretion judiciously exercised for the year 2014 when the tragedy happened leading to untimely death.

7. The appeal is partly allowed. The award is modified. The compensation is enhanced by ₹ 2,15,000/-.

8. The modified amount be deposited by the respondent insurance company before the Tribunal/Executing Court, Ropar with 9% interest within 6 weeks from the date of receipt of certified copy of this order. On deposit, the claimant will disclose her bank account number and the Tribunal will transfer the said amount through either draft or RTGS directly into the

account of the claimant as per her wish.

9. The Tribunal is directed to disburse the amount after verifying the identity of the claimant and would ensure that the draft, in case this is preferred mode of payment is in the name of claimant Rajwant Kaur and none else. Counsel would not have any right to receive any direct or indirect payment of the compensation.

(RAJIV NARAIN RAINA)
JUDGE

11.10.2017

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Whether speaking/reasoned *Yes*

Whether reportable *No*