

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.6169 of 2015

Date of Decision: 20.11.2017

Bhupinder Kaur and ors.

.....Appellants

Vs.

Ranjit Singh and ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

Mr.Satpal Dhamija, Advocate, for the respondents.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 05.09.2013, passed by the learned Motor Accident Claims Tribunal, SAS Nagar, Mohali (for short, 'the Tribunal') vide which compensation to the tune of Rs.6,73,000/- was awarded to the claimants on account of death of Gurdeep Singh alias Babbu in motor vehicle accident dated 04.04.2012.

FACTS NOT IN DISPUTE

On 04.04.2012, the deceased Gurdeep Singh alias Babbu was going from Kurali to his Village Dusrana by driving his motor cycle, whereupon his friend Amanpreet Singh was sitting on the pillion set. At about 7.15 P.M. when they reached near meat shop/Khokhas on Siswan road then offending car bearing registration No.CH-04-J-1093 came from wrong side of the road and struck against his motor cycle. The offending vehicle was being driven by respondent No.1 Ranjit Singh at a very speed and in rash a negligent manner. Due to this accident, Gurdeep Singh alias Babbu and his friend Amanpreet Singh suffered serious injuries. They were taken immediately to Civil Hospital, Kurali from where Gurdeep Singh was referred to PGI Hospital. But he died due to the injuries suffered by him in the accident. An FIR No.41 dated 05.04.2012 for the offence under

Sections 279, 337, 304-A, 427 IPC has been registered at Police Station, Kurali.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 24 years old and the claimants failed to produce on the record any documentary evidence regarding income of the deceased but PW3 Kulwinder Singh proved that the deceased was doing agriculture. 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 per month	Rs.6,000/-
2.	Total loss of dependency after applying the multiplier	Rs.6000/- X 12 X 18=Rs.12,96,000/-
3.	Deduction 1/2	Rs.12,96,000-Rs.6,48,000/-= Rs.6,48,000/-
4.	Funeral Expenses	25,000/-
	Total	Rs.6,73,000/-

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 **National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017**. 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	Salary per month	Rs.6,000/- per month
2.	Future prospect (40%)	Rs.6,000/- + Rs.2400/-= Rs.8400/-

2.	Deduction 1/2	Rs.8400/- Rs.4200/-	---	Rs.4200/-=
3.	Annual loss of dependency after applying multiplier	Rs.4200/- X 12 X18= Rs.9,07,200/-		
4.	Funeral Expenses	Rs.15,000/-		
6.	Loss of Estate	Rs.15,000/-		
	Total	Rs.9,37,200/-	---	Rs,6,73,000/-
	Enhanced compensation	Rs.9,37,200/-	---	Rs.6,73,000/-= Rs.2,64,200/-

Resultantly, the enhanced amount of compensation of Rs.2,64,200/- 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

20.11.2017
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No