

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

FAO No.6282 of 2015

Date of Decision: 15.11.2017

Satya Devi and Ors.

.....Appellants

Vs.

Rohtash and ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Krishan Singh, Advocate, for the appellants.

Mr.G.C.Shahpuri, Advocate, for respondents No.1 and 2.

Mr.Rajbir Singh, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 01.12.2014, passed by the learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (for short, 'the Tribunal') vide which compensation to the tune of Rs.5,63,180/- was awarded to the claimants on account of death of Singh Ram son of Nathu Ram.

FACTS NOT IN DISPUTE

On 26.10.2012, the deceased -Singh Ram was coming from Bilaspur side on tractor-trolley No.HR-02F-4295 driven by his son Sandeep Kumar. The accident occurred when another tractor-trolley bearing No.HR-09C-0867 loaded with rice-waste (Parali) came from behind and in the process of overtaking, had struck against the trolley in which the deceased was travelling. The deceased was brought to General Hospital, Jagadhari and he was declared died. His post mortem examination was conducted on 27.10.2012. The police had registered FIR No.155 dated 26.10.2012 under Sections 279 & 304-A IPC at police station Bilaspur.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 46 years as per deposition of his son Sandeep Kumar PW1 and Widow Satya Devi PW2 and in support of the income of the deceased, they produced the copy of jamabandi, J-forms regarding sale of agricultural produce and deceased's bank account. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. On this basis, the learned Tribunal had assessed the compensation as under:-

Sr.No.	Heads of compensation	Amount
1	Income as skilled labourer at that time	Rs.5,487/- p.m.
2.	Deduction 1/4 th (family members are 4 to 6)	Rs.5487/- ---Rs.1372/-= Rs.4115/-p.m.
3.	Total loss of income after applying the multiplier	Rs.4115/- X 12 X 11= Rs.5,43,180/-
4.	Loss of consortium	Rs.10,000/-
5.	Loss of Estate	Rs.5,000/-
6.	Funeral Expenses	Rs.5,000/-
	Total	Rs.5,63,180/-

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**". 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 the abovesaid judgment, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Income as skilled labourer at that time	Rs.5487/- per month
2.	Future Prospects (10% as new judgment mentioned above)	Rs.549/- + Rs.5487/- = Rs.6036/-
3.	Deduction 1/4 th	Rs.6036/- -- Rs.1509/-= Rs.4527/-
4.	Total loss of income after applying multiplier	Rs.4527/- X 12 X 11= Rs.5,97,564/-
5.	Conventional Heads	Rs.70,000/-
	Total	Rs.6,67,564/-
	Enhanced amount of compensation	Rs.6,67,564/- ---- Rs.5,63,180/-= Rs.1,04,384/-

Resultantly, the enhanced amount of compensation of Rs.1,04,384/- 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

15.11.2017
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No