

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.8080 of 2014 (O&M)

Date of Decision: 18.08.2017

Baje Singh @ Vijay Singh and Anr.

.....Appellants

Vs.

Bala Saheb Dev Raj Dhumal and ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ramender Chauhan, Advocate, for the appellants.

Ms.Vandana Malhotra, Advocate, for
respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

CM No.21832-CII of 2014

For the reasons stated in the application, delay of 52 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 18.02.2014, passed by the
learned Motor Accident Claims Tribunal, Bhiwani (for short, 'the Tribunal')
vide which compensation to the tune of Rs.6,37,000/- was awarded to the
claimants on account of death of Kuldeep Singh.

FACTS NOT IN DISPUTE

On 04.10.2010, the deceased -Kuldeep Singh who was employed on
vehicle bearing registration No.HR-55J-6911 was changing the tyre of his
abovesaid vehicle near Mayur Dhaba Village Palkhana on Bhiwanidi Road,

in the meantime all of a sudden a Truck bearing registration No.MH-04/CV/7739 being driven by the respondent No.1 rashly, negligently and at a very high speed came and struck behind the vehicle NO.HR55J/6941. Due to this heavy impact, said Kuldeep Singh suffered multiple and grevius injuries on his head and other parts of the body, as a result of which, he succumbed to the injuries. Thereafter, on the statement of one Pardeep, who was witness of the accident, the FIR No.I-70 dated 04.10.2010 under Sections 279/304A of IPC was registered in Police Station Ganeshpuri, against the respondent No.1.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 27 years old as per post-mortem report Ex.P1. 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	Rs.4,000/-X 12= Rs.48,000/- per annum.
2.	Deduction 50%	Rs.48,000/- ---- Rs.24,000/-= Rs.24,000/-
3.	Future Prospect 50%	Rs.24,000/- + Rs.12,000/-= Rs.36,000/-
4.	After applying multiplier total loss of dependency	Rs.36,000/- X 17= Rs.6,12,000/-
5.	Funeral Expenses	Rs.25,000/-
	Total Assessed Compensation	Rs.6,37,000/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to the enhanced, in view of the judgment "**Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77'; Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54;.**

Learned counsel submits that 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 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	Income	Rs.4,000/-X 12= Rs.48,000/- per annum.
2.	Deduction 50%	Rs.48,000/- ---- Rs.24,000/-= Rs.24,000/-
3.	Future Prospect 50%	Rs.24,000/- + Rs.12,000/-= Rs.36,000/-
4.	After applying multiplier total loss of dependency	Rs.36,000/- X 17= Rs.6,12,000/-
5.	Funeral Expenses	Rs.25,000/-
6.	Love and affection (Rs.50,000 to the each parents)	Rs.1,00,000/-
	Reassessed compensation	Rs.7,37,000/-
	Enhanced compensation	Rs.7,37,000/- ----- Rs.6,37,000/-= Rs.1,00,000/-

Resultantly, the enhanced amount of compensation of Rs.1,00,000/- 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

18.08.2017

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No