

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.8273 of 2014 (O&M)

Date of Decision: 18.08.2017

Lalita Devi and others

.....Appellants

Vs.

Vijender Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sarfraj Hussain, Advocate, for
for the appellants.

Mr.Suvir Dewan, Advocate, for
respondent No.3-Insurance Company.

RITU BAHRI, J. (ORAL)

CM No.22428-CII of 2014

For the reasons stated in the application, delay of 16 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 02.05.2014, passed by the
learned Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal')
vide which compensation to the tune of Rs.09,60,000/- was awarded to the
claimants on account of death of Pritam.

FACTS NOT IN DISPUTE

On 21.10.2011, deceased Pritam Singh alongwith Manish son of
Balbir Singh and Ravi son of Abhey Singh were coming from village

Kanwali to Rewari on his motorcycle bearing registration No.HR-36Q-

1326. When they reached near Buroli Power House, then, respondent No.1 came from the opposite side by driving his motorcycle bearing registration No.HR36Q6569 in a rash and negligent manner and at a high speed and in a zig zag manner and struck against the motorcycle of the deceased. As a result of which, deceased fell down on the road alongwith his motorcycle and his companions and he received multiple grievous injuries all over his body and succumbed to the injuries at the spot. His companions also received injuries all over their bodies and the motor cycle of deceased was also completely damaged. In this regard, a case FIR No.228 dated 21.10.2011 under Section 279/337/304A IPC has been registered against respondent No.1 at Police Station Khol.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 23 years old as per post-mortem report Ex.P10. 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 (as unskilled labourer)	Rs.5,000/-X 12= Rs.60,000/- per annum.
2.	Deduction ¼ th	Rs.60,000/- ---- Rs.15,000/-= Rs.45,000/-
3.	Total loss of dependency after applying the multiplier	Rs.45,000/- X 18= Rs.8,10,000/-
4.	Loss on consortium	Rs.1,00,000/-
5.	Compensation on account of care and guidance for minor child	Rs.25,000/-
6.	Funeral expenses	Rs.25,000/-
	Total assessed compensation	Rs.9,60,000/-

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 **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 and minor child, 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 (as unskilled labourer)	Rs.5,000/-X 12= Rs.60,000/- per annum.
2.	Deduction ¼ th	Rs.60,000/- ---- Rs.15,000/-= Rs.45,000/-
3.	Total loss of dependency after applying the multiplier	Rs.45,000/- X 18= Rs.8,10,000/-
4.	Loss on consortium	Rs.1,00,000/-
5.	Compensation on account of care and guidance for minor child	Rs.25,000/-
6.	Funeral expenses	Rs.25,000/-
7.	Love and affection Rs.50,000/- each of the parents and Rs.1,00,000/- to the minor daughter of the deceased.	Rs.2,00,000/-
	Total reassessed compensation	Rs.11,60,000/-
	Enhanced compensation	Rs.11,60,000/- ---- Rs.9,60,000/-= Rs.2,00,000/-

Resultantly, the enhanced amount of compensation of Rs.2,00,000/- 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