

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

FAO No.8370 of 2014

Date of Decision: 09.08.2017

Prem Chand and others

.....Appellants

Vs.

Bijender Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:-

Mr.Vijay Sangwan, Advocate,
for the appellants.

Mr.S.K.Radhu, Advocate,
for respondents No.1 and 2.

Mr.R.K.Bashamboo, Advocate,
for respondent No.3/Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 06.03.2014, passed by the learned Motor Accident Claims Tribunal, Narnaul (for short, 'the Tribunal') vide which compensation to the tune of Rs.21,16,760/- was awarded to the claimants on account of death of Floreena Yadav.

FACTS NOT IN DISPUTE

On 10.08.2011, the deceased Floreena Yadav @ Reena

Devi on her scooty bearing No.HR-35E-8226 was coming from school to her house. When at about 5:00 p.m., on Narnaul-Nizampur road she reached near Saini Hotel then a Truck bearing No.HR-63B-1120 driven in a rash and negligent manner by respondent No.1 came from Hero Honda Chowk side and struck her scooty from behind. On account of the aforesaid accident, she fell down and sustained grievous injuries. Lateron she succumbed to the injuries suffered by her in the accident. The FIR No. of the accident Ex.P3 was lodged in Police Station City Narnaul on 10.08.2011.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 36 years old and the claimants produced on the record the documentary evidence regarding income of the deceased. The income of the deceased was taken at Rs.10,482/- as she was teacher of a private school. After adding 50% towards future prospect and deducting the dependency 1/3rd, the loss of dependency per annum comes out to be Rs.1,25,784/-. After applying the multiplier 15, the total loss of dependency has been assessed as Rs.18,86,760/-. 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	Loss of Dependency	Rs.18,86,760/-
2.	Loss of Consortium	Rs.1,00,000/-
3.	Funeral expenses	Rs.25,000/-
4.	Loss of care and guidance to minor children	Rs.1,00,000/-
5.	Loss of estate	Rs.5,000
	Total	Rs.21,16,760/-

Learned counsel for the claimant-appellants contends that the compensation awarded by the Tribunal is on the lower side and deserves to be 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**; '**Munna Lal Jain and another vs. Vipin Kumar Sharma and others, 2015(3) Recent Apex Judgments 459'**; **Asha Verman and others vs. Maharaj Singh and thers, 2015(2) RCR (Civil) 520** and **Kalpanaraj and others v. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil) 193**. 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, learned counsel for the respondents have vehemently opposed the present appeal.

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 case of Vimal Kanwar Vs. Kishore Dan, (2013) 7 SCC 476, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Loss of Dependency	Rs.18,86,760/-
2.	Loss of Consortium	Rs.1,00,000/-
3.	Funeral expenses	Rs.25,000/-
4.	Loss of care and guidance to minor children	1,00,000/-
5.	Loss of estate	Rs.5,000/-
7.	Love and affection Rs.1,00,000/- each minor child.	Rs.2,00,000/-
	Total	Rs.23,16,760/-
	Reassessed compensation	Rs.23,16,760/- Rs.21,16,760/-= 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 @ 6% 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

09.08.2017

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No