

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

**FAO No.6820 of 2015 (O&M)  
Date of decision: 10.07.2017**

Paramjit Kaur and others

....Appellants

Versus

Kesar Singh and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Rajbir Singh, Advocate,  
for the appellants.

Mr. Harsh Chopra, Advocate,  
for respondent Nos. 2 and 3.

**RITU BAHRI J. (Oral)**

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as 'the Tribunal') vide award dated 19.01.2015, on account of death of Lakhvir Singh in a motor vehicular accident which took place on 01.09.2013. Appellant No. 1 is mother, whereas appellant Nos.2 and 3 are grandparents of deceased Lakhvir Singh.

**FACTS NOT IN DISPUTE**

Brief facts of the case are that on 01.09.2013, deceased-Lakhvir Singh was going towards Dhuri from village Mullowal on a motorcycle bearing registration No. PB-36-B-3901 for domestic work. His brother Sukhviri Singh and cousin Surjit Singh were following him on a separate motorcycle. At about 5:15 P.M., when they reached near the canal drain of

driven by Kesar Singh-respondent No.1 in a rash and negligent manner, came and struck against the motorcycle of deceased-Lakhvir Singh, as a result of which, Lakhvir Singh fell on the road along with motorcycle and died on the spot. After the accident, respondent No.1 ran away after leaving his bus on the spot. With regard to the accident, FIR No.206 dated 02.09.2013 was registered at Police Station, Sadar, Dhuri. Consequently, the claimants-appellants filed a claim petition before the Tribunal.

**COMPENSATION ASSESSED BY THE MACT**

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of rash and negligent driving of offending bus bearing registration No.PB-11-Z-0412 by respondent No.1 and thus, returned the finding on Issue No.1 in favour of the claimants. This finding was rightly given on the basis of deposition of Sukhvir Singh (CW-2), who was an eye witness of the accident. In the absence of any evidence with regard to the earnings of deceased, his income was taken as Rs.6000/- per month as casual labourer. 50% has been added on account of future prospects, which came to be Rs.9000/- per month (Rs.6000/- + Rs.3000/- = Rs.9000/-). Out of this, one-half ( $\frac{1}{2}$ ) amount was deducted towards personal expenses of deceased. The dependency of claimants, thus, came to Rs.4500/- per month. The deceased was 19 years of age at the time of accident/death, therefore, multiplier of 18 was applied, which came to be Rs.9,72,000/-. In addition to it, Rs.25,000/- were given towards funeral expenses. Thus, the claimants were found entitled to compensation of Rs.9,97,000/- along with interest @ 7.5% per annum. Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

**REASSESSED COMPENSATION**

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. In the peculiar facts and circumstances of the case, to meet the ends of justice, the compensation is hereby reassessed in view of the judgments of *Asha Verman and others vs. Maharaj Singh and others*, 2015(2) RCR (Civil) 520, *New India Assurance Company Limited vs Gopali and others*, 2012 (12) SCC 198, *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 and *Munna Lal Jain and another vs. Vipin Kumar Sharma and others*, 2015(3) Recent Apex Judgments 459, as under:-

| Sr. No. | HEADS                                                                               | CALCULATIONS                                   |
|---------|-------------------------------------------------------------------------------------|------------------------------------------------|
| (i)     | Income                                                                              | Rs.6000/- per month                            |
| (ii)    | 50% of (i) above to be added as future prospects                                    | 6000 + 3000 = Rs.9000/-                        |
| (iii)   | 50% of (ii) above is deducted as personal expenses of the deceased (being bachelor) | 9000 – 4500 = Rs.4500/-                        |
| (iv)    | Compensation after multiplier of 18 is applied                                      | Rs.4500/- x 12 x 18 = Rs.9,72,000/-            |
| (v)     | Loss of love and affection for the mother (appellant No.1)                          | Rs.1,00,000/-                                  |
| (vi)    | Loss of love and affection for the grandparents (appellant Nos.2 and 3)             | Rs.50,000/-                                    |
| (vii)   | Funeral expenses                                                                    | Rs.25,000/-                                    |
| (xiii)  | <b>TOTAL COMPENSATION AWARDED</b>                                                   | <b>Rs.11,47,000/-</b>                          |
| (ix)    | <b>Enhanced amount of compensation</b>                                              | <b>Rs.11,47,000 – 9,97,000 = Rs.1,50,000/-</b> |

be payable within a period of two months 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 the 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.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

**(RITU BAHRI)**  
**JUDGE**

10.07.2017  
ajp

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No