

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

F.A.O No. 8762 of 2014

Date of decision:- 29.08.2017

Laxmi Narayan and others

...Appellants

Versus

Samandar Gujar and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. S.S. Khurana, Advocate
for the appellants.

Mr. Aakash Dalal, Advocate, for respondent No. 3

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellant'), seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal') to the tune of Rs.4,95,000/-, vide impugned award dated 20.05.2014.

FACTS NOT IN DISPUTE

2. On 07.06.2012, Ranbir (injured) and his wife Sneha Lata (since deceased) were coming from Jakhopur to his village Pathreri on motorcycle bearing registration No. HR-26-AR-8466 and when they reached in front of Golden village in the area of village Salhawas on National Highway No. 8, a truck bearing registration No. RJ-32-GA/8216 being driven by respondent No. 1 at a very high speed came from Jaipur side and struck against the motorcycle of Ranbir. As a result of the impact, both Ranbir and his wife fell down and Sneha Lata was crushed under the wheels of the offending truck and died on the spot while Ranbir sustained injuries. F.I.R No. 99

dated 07.06.2012 under Sections 279/337/304-a IPC was registered at P.S. Kasola.

3. The learned counsel for the appellants contends that the Tribunal has erred in awarding the compensation, in view of the judgment of '*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*', '*Asha Verman and others vs. Maharaj Singh and others, 2015(2) RCR (Civil) 520 and Kalpanaraj and others v. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil) 193*'.

4. On the other hand, the learned counsel for the respondent-Insurance Company have vehemently opposed the present appeal.

5. I have heard learned counsel for the parties and gone through the record.

6. The learned Tribunal while granting the compensation of Rs.2,70,000/- to the appellant-Ranbir for the death of his wife, had assessed the notional income of the deceased at Rs.15000/- per annum only and applied the multiplier of 18 and the amount comes to Rs.2,70,000/- and Rs.50,000/- was awarded towards loss of consortium Rs.75,000 towards the future prospects, Rs.75000/- towards non-pecuniary damages and Rs.25,000 was awarded towards funeral expenses.

7. In the instant case, the deceased was 24 years of age at the time of the accident. The deceased was a hale and hearty lady and was doing the house hold work and was running a milk diary thereby earning Rs.20,000/- per month. The accident in question is not in dispute and the offending

vehicle was fully insured with the Insurance Company.

8. In view of the above mentioned judgments, the compensation is re-assessed as under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.5000 per month
(ii)	50% of (i) above to be added as future prospects=	Rs.5000+Rs.2500=Rs.7500/- per month
(iii)	1/2 of (ii) deducted as personal expenses of the deceased=	Rs.7500-Rs.3750=Rs.3750 per month
(iv)	Compensation after multiplier of 18 is applied	Rs.3750 X 12 X 18= Rs.8,10,000/-
(v)	Loss of consortium to her husband	Rs.1,00,000/-
(vi)	Loss of love and affection to parents-in-law	Rs.50,000 each (Rs.1,00,000/-)
(vii)	Funeral charges	Rs.25,000/-
(viii)	Total Compensation awarded	Rs.10,35,000/-
	Enhanced amount of compensation	Rs.10,35,000-Rs.4,95,000=Rs.5,40,000/-

9. The enhanced amount of compensation of Rs.5,40,000/- 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.

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

August 29, 2017
G Arora

(*RITU BAHRI*)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No