

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

FAO No.7189 of 2015(O&M)

Date of Decision: 16.08.2017

Harmeet Kaur and Anr.

.....Appellants

Vs.

Manpreet Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms.Amandeep Kaur, Advocate, for
the appellants.

Mr.Suvir Dewan, Advocate, for
respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

CM No.22675-CII of 2015

This application has been filed for condonation of 156 days
delay in filing the present appeal.

Reply to the application, has been filed by learned counsel for
respondent/Insurance Company, the same is taken on record.

For the reasons stated in the application, delay of 156 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 18.12.2014, passed by the
learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the
Tribunal') vide which compensation to the tune of Rs.10,11,000/- was

awarded to the claimants on account of death of Charanjeet Singh.

FACTS NOT IN DISPUTE

On 18.12.2011, at about 1:00 am, deceased Charanjeet Singh was coming on his motorcycle from the side of Paras Mall, Zirakpur and was going towards Sector-47(C), Chandigarh. He was driving his motorcycle on the left side of the road. When he reached near Gurudwara Sahib, Sector 47-C, Chandigarh, a Scorpio bearing registration No.HR-06-P-3540 coming at a very fast speed from the opposite direction and struck against the motorcycle of Charanjeet Singh. At that time, the said Scorpio was being driven by respondent No.1 in a rash and negligent manner. As a result, Charanjit Singh and his friend, who was sitting on the pillion fell down on the road and sustained injuries and they were taken to GMCH Sector 32, Chandigarh. Thereafter, he was died. An FIR (Ex.P7) has been registered with regard to this accident.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 22 years old as per his postmortem report. 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.8,000/- p.m.
2.	Future prospect	Rs.8000/- + Rs.4,000/- =Rs.12,000/- p.m.
3.	50% deduction on personal income	Rs.12,000/- ---- Rs.6,000/- Rs.6000/-
4.	Annual loss of dependency after applying the multiplier	Rs.6,000/- X 12X 13=Rs.9,36,000/-
4.	Funeral expenses	25,000/-
5.	Love and affection	Rs.50,000/-
	Total	Rs.10,11,000/-

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 "**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; 193.** Learned counsel submits that the 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.8,000/- p.m.
2.	Future prospect	Rs.8000/- + Rs.4,000/- =Rs.12,000/- p.m.
3.	50% deduction on personal income	Rs.12,000/- ---- Rs.6,000/- Rs.6000/-
4.	Annual loss of dependency after applying the multiplier (aged of the deceased 22 years)	Rs.6,000/- X 12X 18=Rs.12,96,000/-
4.	Funeral expenses	25,000/-
5.	Love and affection	Rs.1,00,000/-
	Total	Rs.14,21,000/-

	Enhanced compensation	Rs14,21,000/- ---- Rs.10,11,000/- =Rs.4,10,000/-
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Resultantly, the enhanced amount of compensation of Rs.4,10,000/- 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

16.08.2017
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No