

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

FAO No. 7249 of 2015

Date of decision:- 12.09.2017

Narinder Kaur and others

...Appellants

Versus

Arvinder Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vinay Saini, Advocate for Mr. G.S. Nagra, Advocate
for the appellants

Mr. Vinod Gupta, Advocate
for respondent-Insurance Company

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 25.08.2015 passed by the learned Motor Accident Claims Tribunal, Ropar (for short, 'the Tribunal') to the tune of Rs.04,46,800/-.

FACTS NOT IN DISPUTE

2. On 11.01.2014, Kulwinder Singh was coming from Chandigarh to his village Barsalpur by his motorcycle bearing registration No. PB-12-N(T)-3196 and Jaspal Singh was following him by separate motor cycle bearing No. PB-65-H-6684. When Kulwinder Singh reached near village Rurki Pukhta, then a car bearing registration No. PB-08-A-8181 came from behind in fast speed and hit the motorcycle of the deceased while overtaking, as a result of which, the deceased fell on the road and received multiple injuries on his person. Kulwinder Singh died on the spot.

3. The learned counsel for the claimants-appellants contends that the compensation awarded by the learned 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*" 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 respondents-Insurance Companies have vehemently opposed the present appeal.

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

COMPENSATION ASSESSED BY MACT

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.4200/- per month
(ii)	1/3 rd of (i) deducted as personal expenses of the deceased=	Rs.4200-Rs.1400=Rs.2800 per month
(iii)	Annual Dependency	Rs.2800X12=Rs.33600/-
(iv)	Compensation after multiplier of 13 is applied	Rs.33600X13= Rs.04,36,800/-
(v)	Loss of love and affection	Rs.5,000/-
(vi)	Funeral charges and Transportation	Rs.5,000/-
	Total Compensation awarded	Rs.4,46,800/-

RE-ASSESSED COMPENSATION

6. It is not in dispute that the offending vehicle was fully insured from their respective Insurance company. Its genuineness is also not under challenge.

7. 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:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary (as per daily wager of State of Punjab)	Rs.7000/- per month
(ii)	50% of (i) above to be added as future prospects=	7000+3500=Rs.10500/- per month
(iii)	1/4 th of (ii) deducted as personal expenses of the deceased=	10500-2625=Rs.7875 per month
(iv)	Compensation after multiplier of 16 is applied	Rs.7875 X 12 X 16~ Rs.15,12,000/-
(v)	Loss of consortium	Rs.1,00,000/-
(vi)	Loss of love and affection to two minor child	Rs.2,00,000/- (Rs. 1,00,000/- each)
(vii)	Loss of love and affection to parents	Rs.1,00,000/- (Rs.50,000/- to each)
(viii)	Funeral charges	Rs.25,000/-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
	Total Compensation awarded	Rs.19,37,000/-
	Enhanced amount of compensation	<i>19,37,000-4,46,800=Rs.14,90,200/-</i> <i>(rounded off to Rs.14,90,000/-)</i>

8. Resultantly, the enhanced amount of compensation of ***Rs.14,90,000/-*** 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.

09. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

September 12, 2017
G Arora

(***RITU BAHRI***)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No