

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

F.A.O No. 9325 of 2014

Date of decision:- 03.07.2017

Sanwal Ram

...Appellant

Versus

Mahesh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Mukesh Yadav, Advocate
for the appellant.

Mr. M.B. Jain, Advocate, for respondent No. 3

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimant-appellant (for short 'the appellant'), seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Narnaul (for short, 'the Tribunal') to the tune of Rs.2,05,000/-, vide impugned award dated 11.10.2013.

FACTS NOT IN DISPUTE

2. On 11.03.2012, Smt. Vidhya Devi (since deceased) along with her husband-appellant-Sanwal Ram and brother Bhoop Singh was going to village Mundanwara Kalan from bus stand, Jat behraro. When they reached ahead of school, within the revenue estate of Jat Behror, a motor cycle bearing registration No. HR34-D-5567, which was being driven by respondent No. 1 at a very high speed and in a negligent manner, hit against deceased-Vidhya Devi, as a result thereof, she fell down and sustained injuries and died. F.I.R No. 126 dated 06.07.2012 has been registered in this regard under Sections 279/337/304-A IPC.

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.2,05,000/- to the appellant had assessed the income of the deceased at Rs.1500/- per month and applied the multiplier of 09 and the amount comes to Rs.1,62,000/- and Rs.23000/- was awarded towards medical treatment, Rs.10,000/- was awarded towards loss of consortium and loss of love and affection to petitioner No. 1. Rs10,000 was awarded towards expenses of last rights, conventional amount etc.

7. In the instant case, the deceased was 58 years of age at the time of the accident. The deceased was a hale and hearty lady and was owing four buffaloes and used to earn Rs.15,000/- 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.4500 per month
(ii)	Compensation after multiplier of 09 is applied	4500X12X9=Rs.4,86,000/-
(iii)	Loss of consortium to husband	Rs.1,00,000/-
(iv)	Funeral charges	Rs.25,000/-
(v)	Total Compensation awarded	Rs.6,11,000/-
	<i>Enhanced amount of compensation</i>	<i>Rs.6,11,000-Rs.2,05,000=Rs.4,06,000/-</i>

9. The enhanced amount of compensation of Rs.4,06,000/- 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.

July 03, 2017
G Arora

(***RITU BAHRI***)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No