IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.807 of 2003
Date of Decision: 30.05.2018

Sukwinder Kaur etc. ....Appellants

Vs.

Jasbir Singh etc. ....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Tribhuwan Singla, Advocate, fore the appellants.

Mr.Neeraj Khanna, Advocate, for the respondent/Insurance company.

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RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 16.10.2002, passed by the learned Motor Accident Claims Tribunal, Jalandhar (for short, 'the Tribunal') vide which compensation to the tune of Rs.3,05,000/- was awarded to the claimants on account of death of Harbhajan Singh, in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 12.09.2001, the deceased Harbhajan Singh along with one Trilochan Singh went to purchase a scooter tyre from Shastri Market Jalandhar. When after purchasing the tyre Harbhajan Singh started going towards GPO Jalandhar on the Shastri Market Chowk, and he was just behind and trying to approach him, a bus bearing registration NO.PB08V 0441 being driven by respondent No.1 Jasbir Singh rashly and negligently without blowing horn turned towards the company bagh and hit against the deceased Harbhajan Singh and he was ran over by the bus from his pelvic region. Trilochan Singh ran towards the bus and stopped it while coming from the front side and then he took the deceased to Civil Hospital, Jalandhar where he died after some time. An FIR Ex.P3 has been registered against respondent No.1-Jasbir Singh.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 54 years old and the claimants have produce on the income tax record as documentary evidence regarding income of the deceased. As such, his income has been as Rs. 50,000 p.a. 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.50,000/- p.a.
2.	Annual loss of dependency after applying the multiplier	Rs.50,000/- X 6= Rs.3,00,000/-
3.	Funeral expenses	Rs.5,000/-
	Total	Rs.3,05,000/-

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 "**National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017**. 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. As per income tax return for the assessment year 2001-02, the income of the deceased was found Rs.70,000/-p.a. approximately. As such, income of the deceased is taken as Rs.70,000/- p.m. for assessing the compensation. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgment, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Income	Rs.70,000/- P.A.
2.	Future prospect 10%	Rs.70,000/- + Rs.7000/-= Rs.77,000/-
2.	Deduction 1/4th	Rs.77,000/- --- Rs.19,250/-= Rs.57,750/-

3.	Annual loss of dependency after applying the multiplier	Rs.57,750/- X 11= Rs.6,35,250/-
4.	Conventional heads	Rs.70,000/-
	Total	Rs.7,05,250/-
	Enhanced compensation	Rs.7,05,250/----- Rs.3,05,000/-= Rs.4,00,250/-

Resultantly, the enhanced amount of compensation of Rs.4,00,250/- 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 @ 7.5% 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 **Shri Nagar Mal and Ors Vs. The Oriental Insurance Company Ltd. And ors. in Civil Appeal No.448 of 2018**. 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

30.05.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No