

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

**FAO No.549 of 2003 (O&M)
Date of decision: 07.05.2018**

Randhir Singh and another

....Appellants

Versus

Om Parkash and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashok Arora, Advocate,
for the appellants.

Mr. P.K. Garg, DAG, Haryana.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'the Tribunal') vide award dated 26.09.2002, on account of death of Sukhpal Singh in a motor vehicular accident which took place on 03.07.2001. Appellants are parents of deceased Sukhpal Singh.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 03.07.2001, at about 1.00 P.M., Sukhpal Singh (since deceased) along with Kuldip Singh was standing near Canal Rest House for going to bus-stand, Hisar. Other passengers were also standing there. In the meantime, a Haryana Roadways bus bearing registration No. HR-39-0931 being driven by Om Parkash-

respondent No.1, came from the side of Dobhi and stopped there. Kuldeep Singh boarded the bus from behind, whereas Sukhpal Singh boarded the same from front door. However, the driver of the bus-respondent No.1 suddenly drove the bus at a fast speed, due to which, Sukhpal Singh fell down and was run over by the rear wheel of the bus. He was taken to Civil Hospital, Hisar, where he was declared brought dead. With regard to the accident, FIR Ex.P4 was registered against respondent No.1 at Police Station, Civil Lines, Hisar, on the statement of Kuldeep Singh. Consequently, the claimant-appellants filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of offending vehicle by respondent No.1, as a result of which Sukhpal Singh has died and thus, returned the finding on issue no.1 in favour of the claimants. This finding was rightly given on the basis of the deposition of Kuldeep Singh (PW-2), who was an eye witness of the accident and on whose statement, the FIR Ex.P-4 was registered.

Deceased-Sukhpal Singh was 10+2 pass. He was 18 years of age at the time of death/accident and was looking for a job. In the absence of any documentary evidence, The Tribunal has awarded lump sum compensation of Rs.1,25,000/- in favour of claimant-appellants along with interest @ 9% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

REASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. Parties are not in dispute with respect to the findings given by the Tribunal on issue No.1 that the accident had taken place on account of rash and negligent driving of the offending vehicle by respondent No.1. The deceased was 18 yeas of age at the time of death. Accordingly, as per minimum wages, his income is being assessed as Rs.2000/- per month. In the peculiar facts and circumstances of the case, to meet the ends of justice, the compensation is hereby reassessed in view of the judgments passed by Hon'ble the Supreme Court in Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77 and National Insurance Company Limited Vs. Pranay Sethi and others, Special Leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017) as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Income	Rs.2000/- per month
(ii)	40% of (i) above to be added as future prospects	2000 + 800 = Rs.2800/-
(iii)	50% of (ii) above is deducted as personal expenses of the deceased	2800 – 1400 = Rs.1400/-
(iv)	Compensation after multiplier of 18 is applied	Rs.1400/- x 12 x 18 = Rs.3,02,400/-
(v)	Compensation under the conventional heads	Rs.30,000/-
(vi)	TOTAL COMPENSATION AWARDED	Rs.3,32,400/-
(vii)	Enhanced amount of compensation	Rs.3,32,400 – 1,25,000 = Rs.2,07,400/-

The enhanced amount of compensation of **Rs.2,07,400/-** shall be payable within a period of two months 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 the case of "**Shri Nagar Mal and others vs. The Oriental Insurance Company Ltd. and others**, Civil Appeal No.448 of 2018 (decided on 19.01.2018). Remaining conditions of disbursal of amount shall remain unaltered.

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

07.05.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No