

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1693 of 1992
Date of Decision: 16.02.2018

Chulahi Parshad and anotherAppellants

Vs.

Amar Singh and anotherRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ajayvir Singh, Advocate, for the appellants.

Mr.R.C.Kapoor, Advocate,
for respondent/Insurance Co.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 24.05.1991, passed by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal') vide which compensation to the tune of Rs.50,000/- was awarded to the claimants on account of death of Prem Bahadur.

FACTS NOT IN DISPUTE

On 16.01.1989 at 9:30 a.m. on Mullanpur Raikot Road in front of M/s Sodhi Sons Sew Mill in the area of Dakha Mullanpur, District Ludhiana, Chitranjan Kumar alias Pappu was supervisor and helping Prem Bahadur alias Bichen Parshad and Hoshier Singh for loading logs of wood on a rehri outside Sodhi Sons Saw Mill at a distance from the berm of metalled road. Truck No.RNK 3027 came from the side of Raikot side which was being driven by rashly and negligently at a fast speed by Amar Singh son of Ajit Singh. No horn was blown and the truck turned towards the left on the katcha portion of the road and struck against Chitranjan Kumar, Prem Bahadur and Hoshier Singh who were loading logs of wood on a rehri on the left side at some distance from the berm of the metaled road.

Prem Bahadur suffered multiple injuries and fractures and he died at the spot. A case bearing FIR No.13 dated 16.01.1989 was got registered at P.S.Dakha by Sodhi Ram.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 21-22 years old and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The learned tribunal was earning not more than Rs.600/650 per mensem and he must have been contributing only Rs.5,000/- per year towards maintaining his father and mother so the learned Tribunal had assessed the compensation to the tune of Rs.50,000/- after applying the multiplier of 10. As such, appellants have been granted compensation Rs.50,000/- on the death of Prem Bahadur.

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. 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 as per daily wages	Rs.1000/- per month
2.	Future prospect (40%)	Rs.1000/- + Rs.400/-= Rs.1400/-
2.	Deduction 50%	Rs.1400/- --- Rs.700/-= Rs.700/-
3.	Annual loss of dependency after	Rs.700/- X 12 X18= Rs.1,51,200

	applying the suitable multiplier	
4.	Conventional heads	Rs.30,000/-
	Total	Rs.1,81,200/-
	Enhanced amount of compensation	Rs.1,81,200/- --- Rs.50,000/-= Rs.1,31,200/-

Resultantly, the enhanced amount of compensation of Rs.1,31,200/- 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

16.02.2018
anil

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