

**Sr. No. 202
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

FAO No.1181 of 1991 (O&M)

Date of Decision: 12.09.2018

Gurmeet Kaur and others

... Appellants

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

Mr. T.P.S.Chawla, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This is claimants' appeal seeking enhancement of compensation.

Brief facts of the case are that a claim petition was filed under Section 110-A of the Motor Vehicles Act claiming just and fair compensation on account of death of Gulzar Ali in a motor vehicle accident that took place on 09.01.1990.

Claimants were the widow, two minor sons and daughter of the deceased.

Case set up on behalf of the claimants was on 09.01.1990 Gulzar Ali (since deceased) and who was serving as a Panchayat Secretary was proceeding on a bicycle and was struck from behind by a State Government vehicle i.e. Jeep bearing registration No. PB-11-3075 being driven by Nirbhai Singh in a rash and negligent manner. Claimants asserted that the deceased

was a permanent Government employee, aged 38 years and drawing a salary of Rs.2189/- per month.

Claim petition having been contested, the following issues were framed by the Tribunal:-

- 1. "Whether the accident in question in which Gulzar Ali died was caused by rash and negligent driving of Jeep No.PB-11-3075 by respondent No.4 on 09.01.1990 in the area of village Sahoran? OPP***
- 2. If issue No.1 is proved to what amount of compensation, claimants are entitled and from which of the respondents? OPP***
- 3. Relief."***

On issue No.1, findings were returned in favour of the claimants and it was held that death of Gulzar Ali occurred on account of injuries suffered in an accident on account of involvement of Jeep No. PB-11-3075 and which was being driven in a rash and negligent manner.

With regard to amount of compensation, Tribunal has taken income of the deceased as Rs.2000/- per month and has applied different multipliers while computing compensation i.e. multiplier of 15 in the case of widow Gurmit Kaur, multiplier of 07 qua Balwinder Kaur daughter aged 17 years, multiplier of 03 qua Rajinder Ali, aged 15 years and a multiplier of 05 for Harjinder Khan, aged 13 years.

In all, the compensation amount computed and awarded was as follows:-

Sr. No.	Name	Relation	Amount
1.	Gurmit Kaur	Widow	Rs.1,08,000/-
2.	Balwinder Kaur	Daughter	Rs.50,000/-
3.	Rajinder Ali	Son	Rs.25,000/-
4.	Harjinder Khan	Son	Rs.30,000/-

Since the only issue involved in the instant appeal is with regard to quantum of compensation, I have heard counsel for the claimants/appellants and counsel representing the contesting respondent State of Punjab as the vehicle concededly was not insured.

In the considered view of this Court, the amount of compensation awarded requires to be re-assessed and suitably enhanced in view of the parameters laid down by the **Apex Court in Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another 2009 (3) RCR (Civil) 77** and **National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009**.

It has gone uncontroverted that deceased Gulzar Ali was a permanent Government employee, aged 38 years as on the date of the accident and was serving on the post of Panchayat Secretary.

As per evidence adduced on record in the testimony of Joginder Pal, PW-2, income of the deceased has been assessed as Rs.2000/- per month. The same does not call for any interference.

Since deceased had 04 dependents, 1/4th cut would be applied towards personal and living expenses of the deceased.

As per judgment in **Sarla Verma's case (supra)**, a multiplier of 15 ought to be applied by taking into reckoning age of the deceased. Since Gulzar Ali was 38 years as on the date of accident, it is directed that composite multiplier of 15 would be applied to the multiplicand for computing compensation. In the facts of the present case since deceased was a Government employee and was below 40 years of age on the date of death, addition in income @ 50% towards future prospects is awarded as per judgment of the **Apex Court in Pranay Sethi's case (supra)**.

Further more, the claimants are held entitled to a lump sum amount of Rs.70,000/- under the conventional heads i.e. loss of estate, loss of consortium and funeral expenses.

In view of the above, the compensation amount is re-assessed and calculated as follows:-

Sr. No.	Head	Calculation
1.	Income Rs.2000/- p.m.	Rs.2000/-
2	Future prospects @ 50%	Rs.2000+1000=Rs.3000/-
3	1/4 th deduction towards personal and living expenses of the deceased	Rs.3000-1250=2250/-
		Rs. 2250 x 12=27,000/-
4	Compensation after applying multiplier of 15	Rs. 27,000 x 15=4,05,000/-
5	Conventional Heads: loss of estate, loss of consortium and funeral expenses	Rs.70,000/-
	Total	Rs.4,75,000/-

The afore-calculated enhanced compensation amount be released in favour of the claimants/appellants herein along with interest @ 6% from the date of filing of the appeal till actual realization.

Appeal is allowed in the aforesaid terms.

12.09.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No