

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1978 of 1996
Date of Decision:01.05.2018

Balwant Kaur and others

.....Appellants

Vs.

Ranjit Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.H.S.Dandi, Advocate, for the appellant.

Mr.R.K.Upadhay, Advocate, for respondent No.4/Ins.Co.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 08.08.1995, passed by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal') vide which compensation to the tune of Rs.80,000/-/- was awarded to the claimants on account of death of Jagdev Singh who died in the motor vehicular accident.

FACTS NOT IN DISPUTE

On 22.08.1993, at about 7:15 am, in the area of Dholewal, Ludhiana, Jagdev Singh-deceased received multiple grievous injuries on his body, when he was going on his scooter No.PB-08-0262, a truck No.PBL-2999 came from the back side being driven by driver-respondent No.1 in a rash and negligent manner and struck against the scooter of the deceased. With the impact of the accident, Jagdev Singh fell in front of the truck and his leg got entangled in the rear wheel of the truck and the truck dragged him to some distance and lateron he succumbed to the injuries. The accident was witnessed by Pal Singh who was also following the deceased. A formal FIR Ex.PW2/A was registered.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 46 years old and the

claimants have not produced on the record any documentary evidence regarding income of the deceased. As such, his income has been taken as Rs.1250/- per month as unskilled workers. The factum of accident had been proved and the offending vehicle was insured with respondent No.3- Insurance Company. The learned Tribunal has assessed the compensation by taking income of Rs.1250/- per month and by deducting 1/3 income, total compensation Rs.80,000/- has been granted in all respect.

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.

Income is taken as per income tax return for the assessment years 1998-99. Keeping in view the above mentioned judgment, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Income	Rs.1250/- per month X 12= Rs.15,000/- per annum
2.	Future prospect 25%	Rs.15,000/- p.a. + Rs.3750/- =Rs.18,750/-
2.	Deduction 1/4rd	Rs.18,750/- --- Rs.4688/-= Rs.14,062/- per annum
3.	Annual loss of dependency after applying multiplier	Rs.14,062/- X 13= Rs.1,82,806/-
	Conventional heads	Rs.70,000/-
	Total amount	Rs.2,52,806/-
	Enhanced amount of compensation	Rs.2,52,806/- ---- Rs.80,000/- =Rs.1,72,806/-

Resultantly, the enhanced amount of compensation of Rs.1,72,806/-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

01.05.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No