

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.680 of 1998
Date of Decision: 27.03.2018

Tikka Singh and anotherAppellants

Vs.

Major Singh and anotherRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Prem Kumar, Advocate, for the appellants.

Mr.H.S.Sitta, Advocate, for respondent No.2.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 01.12.1997, passed by the learned Motor Accident Claims Tribunal, Ropar (for short, 'the Tribunal') vide which compensation to the tune of Rs.62,000/- was awarded to the claimants on account of death of Gurmej Singh.

FACTS NOT IN DISPUTE

On 16.12.1994, the deceased Gurmej Singh was going on scooter alongwith Kulwant Singh was going on scooter alongwith Kulwatn Singh, Gurmej Singh was driving the scooter No.PB-12A-9392 whereas Kulwant Singh was the pillion rider. The scooter was being driven on the extreme left side of the road at a normal speed. When they reached near Bhai Nand Lal Public School Morinda at about 11:30 a.m. a matador No.PB-11C-6358 came from opposite side and struck against the scooter. The matador was being driven in a rash and negligent manner. Gurmej Singh and Kulwant Singh received injuries. Gurmej Singh died on his way to Civil Hospital. A report Ex.P1 was lodged with the Police of Police Station Morinda.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 19 years old as per postmortem report 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.

Sr.No.	Heads of compensation	Amount
1	Income	Rs.500/- per month.
2.	Annual loss of dependency after applying the multiplier.	Rs.500/- X 12 X 10=Rs.60,000/-
3.	Funeral expenses	Rs.2,000/-
	Total	Rs.62,000/-

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.

Learned counsel for the appellant submits that deceased was earning Rs.1500/- per month by working as an electrical from the shop and Rs.1000/- per month by selling Milk in the morning and evening time. Keeping in view the above submission, the income of Rs.1,500/- p.m. is being taken for assessing the compensation as the value of money is reducing from time to time.

It is not in dispute that the offending vehicle was not insured with the Insurance company. Respondents No.1 and 2 were liable to pay the compensation jointly and severally. 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	Rs.1500/- per month
2.	Future prospect (40%)	Rs.1500/- + Rs.600/-= Rs.2100/-
3.	Deduction 50%	Rs.2100/- --- Rs.1050/-= Rs.1050/-

4.	Annual loss of dependency after applying the multiplier	Rs.1050/- X 12 X 18= Rs.2,26,800/-
5.	Conventional heads	Rs.30,000/-
	Total	Rs.2,56,800/-
	Enhanced compensation	Rs.2,56,800/- --- Rs.62,000/-= Rs.1,94,800/-

Resultantly, the enhanced amount of compensation of Rs.1,94,800/- 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

27.03.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No