

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3507 of 2004
Date of Decision: 14.03.2018

Sinder Pal Kaur and others

...Appellants

VERSUS

Union of India and others

....Respondents

BEFORE : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.K.K.Bansal, Advocate, for the appellants.

Ms.Akansha, AAG, Punjab.

RITU BAHRI, J. (Oral)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 03.05.2004, passed by the learned Motor Accident Claims Tribunal, Mansa (for short, 'the Tribunal') vide which compensation to the tune of Rs.1,82,000/- was awarded to the claimants on account of death of Gulab Singh.

FACTS NOT IN DISPUTE

On deceased Gulab Singh along with Gurdev Singh son of Sham Singh, Jaswinder Singh and Nirmal Singh left Mauran near Sunam and left Muran for Mansa at about 5:30 p.m. The deceased was driving Sumo Jeep No.PB-31C-4496 on which he was employed as a driver by respondent No.5, when their vehicle reached near Sheroan Kainchain in the area of Sunam, military vehicle No.EO-15881Y being driven by respondent No.2 carelessly and negligently hit the vehicle being driven by the deceased causing injuries to the deceased, Jaswinder Singh and Nirmal Singh who were rushed to Civil Hospital, Sunam by Gurdev Singh from where they were referred to Rajindra Hospital, Patiala. The deceased Gulab Singh succumbed to the injuries near Bhakra Canal, Patiala while being taken to

Sunam on 26.12.2002.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 33 years old and the claimants produced the owner of vehicle as a witness and as per his statement, he was giving payment of Rs.2700/- per month as employer for plying his vehicle i.e. Tata Sumo. 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	Salary per month	Rs.1500/-
2.	Loss of dependency 1/3rd	Rs.1500 --- Rs.500= Rs.1000/-
3.	Annual loss of dependency after applying the multiplier	Rs.1000/- X 12 X 15= Rs.1,80,000/-
4.	Funeral Expenses	Rs.2,000/-
	Total	Rs.1,82,000/-

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.

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 judgment, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Salary per month	Rs.1500/- per month
2.	Future prospect (40%)	Rs.1500/- + Rs.600/-= Rs.2100/-
2.	Loss of dependency (1/4)	Rs.2100/- --- Rs.525/-= Rs.1575/-

3.	Annual loss of dependency after applying multiplier	Rs.1575/- X 12 X 15= Rs.2,83,500/-
4.	Conventional heads	Rs.70,000/-
	Total	Rs.3,53,500/-
	Enhanced compensation	Rs.3,53,500/- --- Rs.1,82,000/-= Rs.1,71,500/-

Resultantly, the enhanced amount of compensation of Rs.1,71,500/- 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.

14.03.2018
anil

(RITU BAHRI)
JUDGE

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