

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3869 of 2005

Date of Decision: 21.05.2018

Indrawati and others

.....Appellants

Vs.

Satbir Singh and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Pankaj Bali, Advocate, for the appellants.

Mr.Abhishek Goyal, Advocate, for respondent/Ins. Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 22.03.2005, passed by the learned Motor Accident Claims Tribunal, Sonapat (for short, 'the Tribunal') vide which compensation to the tune of Rs.3,91,000/- was awarded to the claimants on account of death of Naresh Kumar.

FACTS NOT IN DISPUTE

On 10.01.2004, the deceased was driving the Motor cycle No.HR-10F-3958 owned by respondent No.1. The motorcycle was being driven on left side of the road and deceased was observing the traffic rules. At about 9:30/10:00 p.m. when deceased reached near Shahpur turning and more precisely, near bridge, some vehicle came from the rear and hit the motor-cycle of deceased which resulted in the accident. The deceased received grievous and multiple injuries on the entire parts of his body and succumbed to the injuries later. A case bearing FIR No.6 dated 11.01.2004 was registered with Police Station Murthal against the driver of offending vehicle under Sections 337/304 A IPC.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 35 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 compensation has been assessed by the learned Tribunal as under:

Sr.No.	Heads of compensation	Amount
1	Income as casual labourer	Rs.3000/-
2.	Deduction 1/3rd	Rs.3000/- ---Rs.1,000/-= Rs.2,000/-
3.	Annual loss of dependency after applying multiplier	Rs.2,000/- X 12 X 16=Rs.3,84,000/-
4.	Funeral Expenses	Rs.2,000/-
5.	Loss of consortium	Rs.5,000/-
	Total	Rs.3,91,000/-

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 IInd Schedule under Section 163-A of Motor Vehicles Act. 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. In view of the IInd Schedule under Section 163-A of Motor Vehicles Act, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Income as casual labourer	Rs.3300/-
2.	Deduction 1/4rd	Rs.3000/- ---Rs.825/-= Rs.2175/-
3.	Annual loss of dependency after applying multiplier	Rs.2175/- X 12 X 16=Rs.4,17,600/-
4.	Funeral Expenses	Rs.2,000/-
5.	Loss of consortium	Rs.5,000/-
	Total	Rs.4,24,600/-
	Enhanced amount of compensation	Rs.4,24,600/- ---- Rs.3,91,000/-= Rs.33,600/-

Resultantly, the enhanced amount of compensation of Rs.33,600/- 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

21.05.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No