IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3049 of 2007
Date of Decision:10.05.2018

Premo and another ....Appellants

Vs.

Dhub Singh and others ....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Gurcharan Dass, Advocate, for the appellants.

Mr.Paul S.Saini, Advocate, for respondent/Insurance Co.

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RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 12.03.2007, passed by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') vide which compensation to the tune of Rs.1,70,000/-/- was awarded to the claimants on account of death of Jaspal Singh who died in the motor vehicular accident.

FACTS NOT IN DISPUTE

On 26.04.1998, the deceased was proceedings to Delhi. The truck was being driven by Jasmer Singh son of Mohinder Singh at a normal speed. When they reached near Karnal bye-pass chowk, it was pitch dark of night, truck No.HR-38-B-1959 was standing on the road, without any indicator-light. The truck was noticed by the driver Jasmer Singh from a very short distance and he could not control his Truck No.PUC-4235 and struck it behind the stational truck. As a result of this accident, truck No.PUC-4235 turned turtle and fell into the deep ditches. The truck was totally damaged. Jasmer singh driver of the truck received multiple injuries and was admitted in the Hospital at Delhi, where he died on 30.04.1998 whereas the co-driver Jaspal Singh who was sitting by the side of the driver in the cabin died at the spot. A case bearing FIR Ex.A1 has been reported with regard to this accident.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 24 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.

Sr.No.	Heads of compensation	Amount
1	Income	Rs.2500/-p.m X 12 = Rs.30,000/- per annum
2.	Deduction 1/3rd	Rs.30,000/- --- Rs.10000/-= Rs.20,000/-
3.	Annual loss of dependency after applying multiplier	Rs.20,000/- X 8= Rs.1,60,000/-
4.	Love and affection	Rs.5,000/-
5.	Funeral expenses and last rites	Rs.5,000/-
	Total	Rs.1,70,000/-

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

Sr.No.	Heads of compensation	Amount
1	Income	Rs.2500/-p.m X 12 = Rs.30,000/- per annum

2.	Future prospect 40%	Rs.30,000/- + Rs.12,000/-= Rs.42,000/-
3.	Deduction 50%	Rs.42,000/- --- Rs.21000/-= Rs.21,000/-
4.	Annual loss of dependency after applying multiplier	Rs.21,000/- X 18= Rs.3,78,000/-
5.	Conventional heads	Rs.30,000/-
	Total	Rs.4,08,000/-
	Enhanced amount of compensation	Rs.4,08,000/- ---- Rs.1,70,000/- =Rs.2,38,000/-

Resultantly, the enhanced amount of compensation of Rs.2,38,000/- 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

10.05.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No