

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. F.A.O No. 2899 of 2008

Prem Lata and another ...Appellants

Versus

Sunil Kumar and anr. ...Respondents

2. F.A.O No. 2900 of 2008

Himansu @ Tinku ...Appellant

Versus

Sunil Kumar and anr. ...Respondents

Date of decision:- 23.05.2018

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- None for the appellants in both appeals

Mr. Neeraj Khanna, Advocate
for respondent No. 2 in both the appeals

RITU BAHRI J.

1. Two appeals, as noticed above, are being disposed of by this common judgment, having arisen out of the impugned Award dated 25.03.2008 passed by the learned Motor Accident Claims Tribunal, Karnal.

Facts not in dispute

2. On 06.03.2006, Naveen @ Kala, since deceased had started his journey from Indri to Karnal on a motorcycle bearing registration No. HR-05Q-0195 being driven by Himansu. One Jagdish and Daya Nand had also started their journey from Indri to Karnal on another motorcycle with them at the same time. When Jagdish and Daya Nand reached within the revenue estate of village Samora, they saw that Himansu and Naveen @ Kalia were lying on the roadside in an injured condition. They shifted both of them to General Hospital, Karnal in one ambulance. Both of them were referred to

PGI Chandigarh where Naveen Kumar @ Kalia succumbed to his injuries. Himansu was taken to Fortis Hospital, Mohali by Jagdish. F.I.R was also registered in this regard.

3. The learned counsel for the claimants-appellants contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to the enhanced.

4. On the other hand, learned counsel for respondent No. 3- insurance company submitted that the Tribunal has rightly awarded the compensation to the claimants.

5. I have heard learned counsel for the parties and perused the record.

COMPENSATION ASSESSED BY MACT

Naveen Kumar @ Kalia

Sr. No.	Heads	Calculations
(i)	Income	Rs.2000/- per month
(ii)	1/2 of (ii) deducted as personal expenses of the deceased=	Rs.2000-Rs.1000=Rs.1000/- per month
(iii)	Compensation after multiplier of 08 is applied	Rs.1000X 12 X 8= Rs.96,000/-
(iv)	Conventional heads (Loss of estate and funeral expenses)	Rs.4500/-
(v)	Total Compensation awarded	Rs.1,00,500/-

Himansu

HEAD	COMPENSATION AMOUNT
Medical expenses	Rs.58,000/-
Pain and suffering	Rs.10,000/-
Special Diet	Rs.10,000/-
Transportation charges	Rs.10,000/-
Loss of income	Rs.12,500/-
On account of permanent disability	Rs.40,800/-
Total compensation	Rs.1,41,300/-

RE-ASSESSED COMPENSATION

6. As far as appeal, preferred by the claimant-Prem Lata and another, on account of death of Naveen Kumar @ Kaalia, the compensation is liable to be increased but as per second schedule of the Motor Vehicle Act.

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Income	Rs.3300/- per month
(ii)	1/2 of (ii) deducted as personal expenses of the deceased=	Rs.3300-Rs.1650=Rs.1650/- per month
(iii)	Compensation after multiplier of 18 is applied	Rs.1650X 12 X 18= Rs.3,56,400/-
(iv)	Conventional heads (Loss of estate and funeral expenses)	Rs.4500/-
(v)	Total Compensation awarded	Rs.3,60,900/-
	Enhanced amount of compensation	360900-100500=Rs.2,60,400/- rounded of to Rs.2,60,000/-

Himansu

<i>HEAD</i>	<i>COMPENSATION AMOUNT</i>
<i>Medical expenses</i>	<i>Rs.58,000/-</i>
<i>Pain and suffering</i>	<i>Rs.15,000/-</i>
<i>Special Diet</i>	<i>Rs.15,000/-</i>
<i>Transportation charges</i>	<i>Rs.15,000/-</i>
<i>Loss of income</i>	<i>Rs.12,500/-</i>
<i>On account of permanent disability</i>	<i>Rs.40,800/-</i>
<i>Total compensation</i>	<i>Rs.1,56,300/-</i>
<i>Enhanced amount of compensation</i>	<i>156300-141300=Rs.15,000/-</i>

7. The enhanced amount of compensation of Rs.2,60,000/- (in FAO No. 2899-2008) and Rs.15,000 in (FAO No. 2900-2008) shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellants shall also get interest @ 7.5% per annum from the date of filing of the claim petition, in view of the

judgment of Hon'ble the Supreme Court in a case of *Shri Nagar Mal and
ors vs. The Oriental Insurance Co. Ltd and others, passed in Civil Appeal
No. 448-2018., decided on 19.01.2018.* The remaining conditions of
disbursal of amount and recovery rights shall remain unaltered.

8. Accordingly, the award stands modified to the above extent and
the present appeals are partly allowed.

May 23, 2018
G Arora

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>