

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.502 of 2011

Date of Decision: 15.05.2018

Suresh Devi and others

.....Appellants

Vs.

Ashish and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Navneet Singh, Advocate, for the appellants.

Mr.Rajat Garg, Advocate, for
Mr.T.K.Joshi, Advocate, for the respondent No.3.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellants (for short 'the appellants'), against award dated 23.09.2009, passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') vide which compensation to the tune of Rs.53720/- was awarded to the claimants on account of death of Shyam Lal in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 28.04.2007, Shyam Lal (since deceased) was returning to his village Bakoli from his village in a three wheeler (Tempo) bearing No.Hr-69-5120, which he boarded from Bad Khalsa GT Road and was going towards Delhi bye pass. At about 6:30 p.m. Another three wheeler Sitara bearing registration No.HR-67-2741 came from Delhi side, being driven by respondent No.1 in a rash and negligent at very high speed and struck in straight way with three wheeler in which the injured was travelling. The

three fracture in the right leg. He was admitted to Parnami hospital piau Manyarfi where he remained admitted from 28.04.2007 to 04.05.2007. A case under Section 279/337/338 IPC was registered against respondent No.1. It has been stated that the accident has been caused by rash and negligent driving of respondent No.1. During the pendency of the claim petition, claimant Shyam Lal has died.

COMPENSATION ASSESSED BY MACT

Factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Loss of income	Rs.41,720/-
2	Medical expenses (dressing)	Rs.6,000/-
3.	Transportation	Rs.6,000/-
	Total	Rs.53,720/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced. 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. Keeping in view the facts and circumstances of the case, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Loss of income	Rs.41,720/-

2	Medical expenses stay in hospital	Rs.25,000/-
3.	Transportation and special diet	Rs.25,000/-
4.	Pain and suffering	Rs.25,000/-
	Total	Rs.1,16,720/-
	Enhanced amount of compensation	Rs.1,16,720/- ----- Rs.53,720/-= Rs.63,000/-

Resultantly, the enhanced amount of compensation of **Rs.63,000/--**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 Limited and Others passed 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

15.05.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No